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EDITORIAL NOTE

The Indian experiment in democracy is looked at with awe and admiration by the rest of the world. We started this experiment in a society disabled by centuries of economic exploitation, social prejudices, ignorance and backwardness. The great freedom movement which witnessed the total participation of the Indian masses was not merely a political movement aimed at achieving freedom from the colonial rule, but it prepared the Indian mind to accept and assimilate the basic tenets and perspectives of democracy. Indian democracy acquired its moral tone from the Father of the Nation who represented the quintessence of the moral and spiritual content of the Indian life. The greatest achievement of the freedom movement is not only the freedom itself, but also the evolution of the democratic consciousness in the Indian mind which enabled democracy as a political system and as an outlook to take deep roots in India.

The Indian Parliament is the shining beacon of India's democracy. It is here that the elected representatives of the people shape and reshape the destiny of the nation. This institution, notwithstanding its rather conservative core in the nascent stage of the Republic, could radicalise the Indian society through revolutionary legislative programmes which successfully challenged orthodoxy and sought to strengthen the foundations of a more egalitarian social order. The socio-economic legislations which Parliament enacted in the fifties and sixties touched off changes which were unthinkable in a society controlled by powerful and well-entrenched feudal and semi-feudal forces. Thus, Parliament became the most powerful instrument in the hands of the people to change the Indian society and its perspectives and, though at gradual and slow pace, the production relations in the agrarian sector.

The evolution of parliamentary democracy in India during the second half of the twentieth century has, in a larger sense, followed a dialectical course. From the pre-dominance of legislative programme, the parliamentary agenda of today is dominated by issues affecting various sections of the people. The grammar and metaphor of parliamentary conduct has changed. The forum of Parliament has become a mirror of the struggles and tensions raging outside. Viewed from a historical perspective, this phenomenon is the natural product of the process of democratisation of an ancient and pre-dominantly agrarian society.

The discomfort at having to follow a set of rules laid down at a more

placid time is certainly a disturbing development. But history shows that there is a certain inevitability about this dialectical situation. The Indian Parliament seems to be going through this inevitable process of evolution.

Shri Somnath Chatterjee, Hon'ble Speaker of Lok Sabha has, in his address during the Sixth D.P. Kohli Memorial Lecture on 28th April 2005, highlighted the essence of this dialectical situation. As a perceptive observer of the Indian political scene and an important player in the parliamentary arena for over thirty-six years, his lecture mirrors the strength and weaknesses of Indian democracy.

We reproduce in this issue of the *Journal* the full text of the Address he gave on that occasion.

We carry in this issue the regular features, *viz.* Parliamentary Events and Activities, Procedural Matters, Parliamentary and Constitutional Developments, Documents of Constitutional and Parliamentary Interest, Sessional Review, Recent Literature of Parliamentary Interest and Appendices.

We have all along been striving to make the *Journal* more useful and informative. We would greatly welcome suggestions for its further improvement. We also welcome well researched and informative articles in the field of parliamentary procedures and practices from members of Parliament and of State Legislatures, scholars and others interested in the study of parliamentary democratic system.

–P.D.T Achary
Editor

ADDRESS BY THE SPEAKER, LOK SABHA, SHRI SOMNATH CHATTERJEE DURING THE SIXTH D.P. KOHLI MEMORIAL LECTURE ON PARLIAMENTARY DEMOCRACY IN INDIA–PRESENT AND FUTURE

On 28 April 2005, Speaker, Lok Sabha, Shri Somnath Chatterjee delivered the Sixth D.P. Kohli Memorial Lecture on 'Parliamentary Democracy in India–Present and Future' in New Delhi. The theme of the Lecture being a topical one, it has been included in this issue of the Journal.

We reproduce below the text of the Lecture.

–Editor

Honourable Minister, Shri Suresh Pachauri; Director, CBI, Shri U.S. Mishra; Ladies and Gentlemen:

I am honoured to be here today to deliver the Sixth D.P. Kohli Memorial Lecture. I thank the organizers for inviting me to deliver this important Lecture and share my views on a very topical theme, namely *'Parliamentary Democracy in India–Present and Future'.*

At the outset, I would like to pay my tributes to the memory of the Late Dharamnath Prasad Kohli, an outstanding police officer, who was honoured with the Padma Bhushan in recognition of his long and distinguished service to the nation. D.P. Kohli, the first police officer to adorn the office of the Director of the Central Bureau of Investigation, which he did with great distinction, exemplified those fundamental values of public life which are absolutely essential to sustain and strengthen a parliamentary democratic polity like ours. Renowned for his courage of conviction and farsightedness, he brought to bear the imprint of his personality on an office, which was conceived to uphold integrity in public life. In the process, he set very high standards for his successors to follow. It was his commitment and vision that has helped CBI emerge as an efficient and effective organization as the premier investigating agency of the country.

Of particular import to him was probity and integrity, not just in the organization, which he headed, but in the nation as a whole. All of us need to honour officers like D.P. Kohli, who have led by example and

lived up to the expectations of all concerned by their remarkable efficiency, unimpeachable integrity and utmost devotion to duty at all times and in all circumstances. I trust that the ideals of D.P. Kohli will continue to inspire the CBI in the discharge of its onerous responsibilities without fear or favour. I must stress that today, what the nation needs most is officers of the stature and commitment of the late D.P. Kohli who had an abiding faith in the cardinal principles of democracy, of good governance, and of Rule of Law, for achieving the ultimate goal of the socio-economic development of our society in full measure.

The subject of my talk is *'Parliamentary Democracy in India–Present and Future'*. In an increasingly shrinking world, thanks to the remarkable advances in science and technology, no nation is an island; we are all integral parts of a global village. Free flow of information, easy access to communication and faster movement of people across countries and continents have enabled the emergence of a global community with a broader perspective and understanding of the fundamentals of an inclusive society, transparency, probity, Rule of Law and good governance practices– all of them essential components of a successful democratic order. Democracy, which had to surmount many challenges to its survival, over the centuries, has finally emerged triumphant as the most preferred system of governance, testifying to what Franklin Roosevelt said: 'Democracy is not a static thing, it is an everlasting march'. It has not been an easy endeavour, though. The trials and tribulations democracy had to confront during its onward march were many. What facilitated its eventual glory has been its representative character, inherent resilience to cope with the challenges of the times and the demands of native realities. Thus, today, democracy survives, rather thrives, in countries, best suiting their immediate requirements, never compromising, however, on its classical tenets, the most important being its unquestioned subordination to the sovereign will of the people. The content and contours of democracy may vary with countries and climes, but at the center stage of it will inevitably be the people; for, democracy derives its strength and sustenance from the people as a whole.

Friends, as the world moves in to the Third Millennium, the debate of the times mostly revolves around delineating the principles of democratic governance, deepening and consolidating democracy wherever it is already in existence, and making governance effective for sustained human development everywhere, at all times. The focus today is not only on the forms of democracy, but primarily on its substance. As you all know, in what are called established democracies, people are not so much concerned about the institutional arrangements as much as are about what these institutions deliver. It is a fact that democracy is

widely advocated and sought after, though with its differently conceived meanings. The nature of the democratic set-up differs with cultural and political differences and with varying stages of socio-economic development of individual countries. We are witness to the remarkable impact of changes in the global political, economic and technological environments, on the nature and form of democracy.

As against social exclusion which itself impairs the quality of democracy by providing a breeding ground for intolerance and repression, inclusive democracy, with its overriding social dimension, has tended to retain popular support across the world. The notion of good governance cannot be appreciated in isolation from any form of democratic governance. At one place, transparency, accountability and performance form the benchmark for authority, legitimacy and good governance; at the same time, democracy is recognized as the system under which the individuals and their collective aspirations could be met, their interests could be articulated and the civil society movement nurtured.

Democracy requires realising in practice a certain set of values relating to institutions and also concerning human rights and to ensure people a voice in their political governance, besides the right to liberty and equality which, are not only necessary to protect the sovereignty of the people but also to ensure an all-pervading and people-oriented political process. That is why accountability and transparency, representation, local democracy and participation, civic association and free media, political and civil rights, free and fair elections, and an independent Judiciary form the bedrock of democracy. The self-corrective nature of democracy is one of its other remarkable attributes. Democracy, which is founded on the right of everyone to take part in the management of public affairs, warrants the existence of representative institutions at all levels and, in particular, a Parliament which represents all shades of opinion and which has the requisite powers and means to express and to give substance to the will of the people.

Coming specifically to parliamentary democracy in India–the largest working democracy in the world–the effectiveness of the representative institutions has been successfully tested time and again, amidst a vast diversity prevailing in cultural, linguistic, social and religious spheres. Though parliamentary democracy in the modern sense has been functioning in our country only for the last nearly six decades, our experience of representative institutions is not new. We have had a democratic tradition for long and the freedom struggle brought our democratic ethos and values into a sharper focus. Thus, in the post-Independence era, it was considered that parliamentary democracy was best suited to our conditions

and as such our Founding Fathers opted for a parliamentary democratic polity for our people. During a debate in the Lok Sabha, Pandit Jawaharlal Nehru very appropriately asserted that we have chosen the system of parliamentary democracy deliberately, because we thought it was in keeping with our own old traditions, not as they were, but adjusted to the new conditions and new surroundings.

Friends, just as at the core of our national movement for Independence were the democratic ideals of our people, our Founding Fathers bequeathed to us a great Constitution carrying with it our national ethos and features of great democracies of the world. Though Westminster type of parliamentary democracy has been given some space in our Constitution, it would not be correct to presume that our institutions, structures and parliamentary practices and procedures are a replica of the British model. In fact, it is the recognition of our rich democratic heritage and the situation-specific conditions prevailing in our country, which made for the adoption of the parliamentary system of democracy with a distinctive Indian approach. The British statesman Anthony Eden hailed India's decision to adopt the system of parliamentary democracy thus: 'Of all the experiments in government which have been attempted since the beginning of time, I believe that the Indian venture into parliamentary government is the most exciting. ... The Indian venture is not a pale imitation of our practice at home, but a magnified and multiplied reproduction on a scale we have never dreamt of. If it succeeds, its influence on Asia is incalculable for good. Whatever the outcome, we must honour those who attempt it.'

The Preamble, reflecting the spirit of the Constitution and the broad framework of ideals ingrained in our ancient heritage, declared the resolve of the people to constitute India into a Sovereign, Socialist, Secular, and Democratic Republic. Further, it resolves to secure for the people Justice–social, economic and political; Liberty of thought, expression, belief, faith and worship; Equality of status and opportunity; and to promote among them all, Fraternity, assuming the dignity of the individual and the unity and integrity of the nation. The expression 'We the People' amply connotes the essence of the Constitution and the authority of the people in our national affairs.

Friends, by asserting so in the Preamble to the Constitution, our Founding Fathers were keen to lay the foundation of a truly working representative Government under a parliamentary system of democracy to hold the country together, while providing sufficient space for diversities and pluralism to co-exist.

The achievement of social and economic democracy as much as

political democracy has been one of the prime concerns with the framers of our Constitution. The Constitution codifies a long list of inalienable Fundamental Rights for our citizens. These Fundamental Rights, as you are aware, expressly provide for the right to equality, right to freedom, right to freedom of religion, right against exploitation, cultural and educational rights and the right to constitutional remedies, apart from protection against discrimination on grounds only of religion, race, caste, sex or place of birth. The very purpose of the Fundamental Rights is to create an egalitarian society and to give real meaning to our system of democracy. At the same time, under the scheme of our Constitution, there are certain restrictions which the Government of the day is required to follow in the governance of the country for the common good and for public interest.

Apart from the Fundamental Rights, one of the more important parts of our Constitution lists the Directive Principles of State Policy, which is indeed an agenda for a Welfare State for the realisation of the ideal of social and economic democracy in the country. Article 38 of the Constitution gives very clear direction in this regard by stating that 'the State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of national life'. Thus an important responsibility to take the necessary initiatives to minimize the inequities in income, eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people in different areas or engaged in different vocations was placed on the national leadership by the Constitution itself. This was in line with Mahatma Gandhi's thoughts, which he articulated thus: 'My notion of democracy is that under it the weakest should have the same opportunity as the strongest.' As such, the Indian leadership was fully convinced that political freedom without economic and social freedom was incomplete, vulnerable and fragile. Dr. B.R. Ambedkar, the architect of our Constitution, also stressed that we must make our political democracy a social democracy as well, a way of life which recognized liberty, equality and fraternity as its essential creeds.

Further envisaged in our Constitution is the scheme of separation of powers and checks and balances among and between the three principal organs of the State–the Executive, the Legislature and the Judiciary. This has, in fact, been recognized as among the characteristic features of our democratic set-up. Ours is a judicious blend of the principle of distribution of powers and the doctrine of parliamentary sovereignty in such a manner that we have the best of both, but without

the absolute rigidity of either of the two. I would say that this very postulate made our Constitution the Supreme Law of the Land, subjecting all the branches of governance to its overriding authority and control. Yet, as Dr. Ambedkar said: 'The Constitution can provide only the organs of State such as the Legislatures, the Executive and the Judiciary. The factors on which the working of those organs of the State depends are the people and the political parties they will set up as their instruments to carry out their wishes and their politics.' Within this framework of our Constitution are the independence of the Judiciary and the other attributes of parliamentary system of democracy and governance–a competitive party system, free and fair elections, a vigilant and responsible media, and a well-informed citizenry.

Thus, a basic framework is in place in our country to enable parliamentary democracy to flourish under native conditions and ensure the optimum welfare of the people by providing an enabling environment for securing peace along with development of the country. But to have a perceptive assessment of the subject of today's deliberation, we will have to see how near we are to realizing our goals. The constitutional framework does provide a foundation on which the system is built and which is further strengthened by consolidating and deepening the democratic institutions and parliamentary processes. As I said earlier, the building of a political democracy could not be the sole object. We have always aspired to establish economic and social democracy in our country. Democracy becomes meaningful only when enabling social, political, economic and legal conditions are created wherein people can exercise their rights and they are free from fear and want. I believe that dignity, dissent and development are the hallmarks of a democracy. But, we must ask ourselves whether, over the years, we have come out successfully through these tests during the process of democratization, as envisaged by our Constitution, and how far we have been able to honour the commitments we made to our people. To venture a look into the future, one has to necessarily assess the achievements and the shortcomings of the past as well as the present.

Friends, no one can dispute the fact that even after more than five decades of freedom, we have not been able to guarantee the basic right to development of our people as is evident from the fact that poverty, illiteracy, ignorance, lack of education, child mortality, unemployment, underemployment, poor health care, intolerance, corruption, violence, lack of character, caste, religious and gender-based prejudices and other weaknesses and infirmities continue to bedevil us, and specially so in the case of the disadvantaged and marginalised sections of society.

The condition of the working class in the country is far from satisfactory and, in some sense, appalling. Food, shelter and clothing for all our citizens continue to remain only elusive goals. The basic issues influencing the everyday life of the people, which, though enlisted in the Directive Principles of State Policy, have still to be realised. In fact, several political scientists have argued that under the prevailing circumstances, the Directive Principles should be made enforceable to ensure accountability of the administration.

The widening gap between the rich and the poor is a matter of grave concern. Economic iniquities tend to weaken the national fabric in many ways. Similarly, the increasing chasm between popular expectations and the actual performance of the system is also very distressing. Distributive justice is still a distant dream. Dignified human existence and acceptable levels of socio-economic equity have to be secured on a priority basis for which we have to enforce accountability which is the key element in ensuring good governance at all stages. Accountability essentially requires that the authority is exercised in such a manner which shall meet the obligations to the society, under the law, for obtaining the best results with the right to enforce the same. We should look at democracy not just as a form of government but more as a way of life and governance.

It is widely held that good governance is essentially participatory, consensus-oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the Rule of Law. It also warrants that corruption is minimized, if not eliminated, the views of the minorities and the weaker sections are accommodated and the voice of the most vulnerable in the society is heard in decision-making. If parliamentary democracy in India is to take deep roots, the key elements of good governance must be practised by all–whether it is the Legislature, the Executive, the Judiciary or the active civil society. If we make an assessment of the prevailing state of affairs, we cannot overlook the fact that there is a visible lack of accountability of the governing institutions and individuals and an apparent deficiency of transparency in the decision-making processes. Public administration, and in particular, our administrative apparatus is still not free from the evil of corruption.

What is described as 'criminalisation of politics' remains a problem at hand and we are still to ensure probity in our political and administrative functioning. The politics of exclusion–be it based on caste, creed, sex or religion–poses a serious threat to our unity and integrity. We need to reassert our secular credentials and resolve to create conditions in our country 'when religion will not only be professed and preached and

practised freely but will become a cementing force for binding man to man and not serve as a disturbing and disrupting force dividing and separating,' as prophetically emphasized by Dr. Rajendra Prasad. We cannot also deny the fact that illegal and immoral practices are being used for winning elections by some sections of our political opinion, resulting in the degeneration of the electoral system and eroding the true representative and democratic character of our polity.

Ours is a highly pluralistic society. We need to practise cooperative federalism to make for reconciliation of the urges and aspirations of the people where the Centre and the States would work in cooperation and consultation with each other in the interest of the people and preserve the unity and integrity of the country. I would attribute the lopsided development in the country to our imperfect federal structure and imbalanced distribution of powers between the Centre and the States. I believe that to maintain harmonious relations between the Centre and the States, it is high time that a closer look is given to this crucial aspect. Good governance practices demand that meaningful and effective autonomy is given to the States so that they come out with their own policies and programmes and raise their own resources, keeping in view their needs and according to their capacity.

In spite of our inability and failures in fulfilling people's aspirations on several fronts, it is a remarkable achievement that our people have time and again reposed their faith in the system by participating in the political process. The successful holding of Fourteen General Elections and many more elections to the State Legislative Assemblies, which have seen several changes of Governments in a peaceful manner, is a clear reflection of the efficacy of the system we have put in place. Over the decades, the character of our parliamentary system has undergone a radical change with a genuinely multi-party system taking deep roots in the country. A distinct coalition culture is slowly emerging which is not a matter to be wary of. What we have to ensure, however, is political stability because frequent elections and uncertainties can be detrimental to the political and economic health of our country.

We are now witness to the emergence of new political realities in the country. It is a healthy development that at the Centre, parties or coalition of parties are forming Governments and several major political parties are sitting in the Opposition. The practice of extending issue-based support from outside without joining the Government is a new phenomenon. But there is responsibility cast on the parties to ensure the smooth functioning of our legislative institutions, otherwise, the basic foundation of our constitutional system will be wrecked. Without

functioning legislative institutions, our system of parliamentary democracy will lose the faith and respect of the people, ultimately, giving rise to cynicism and tension, which cannot but weaken the entire constitutional edifice. In order to promote and further consolidate democracy, the Ruling and the Opposition Parties in Parliament and in the State Legislatures should see themselves as partners in the development of the democratic process. The Opposition should not oppose just for the sake of opposition but must display a creative and meaningful attitude of constructive opposition keeping the larger national interest in mind rather than for scoring narrow political points, as much as the Ruling Party or combine is required to show greater sensitivity towards Parties and view-points opposed to its own. Otherwise, the very basis of our system of democracy will be seriously called into question. As Gandhiji rightly said:

> Evolution of democracy is not possible if we are not prepared to hear the other side. We shut the doors of reason when we refuse to listen to our opponents or, having listened, make fun of them. If intolerance becomes a habit, we run the risk of missing the truth.

During the last over five decades, our Parliament has passed many progressive social and economic legislations to address the concerns of different sections of society. Special emphasis has been laid on the issues relating to human dignity and fundamental rights of the citizens. The Parliament has also created mechanisms specifically for the well-being of the disadvantaged sections of society. The National Human Rights Commission, the National Commission for Women, the National Commissions for Scheduled Castes and the Scheduled Tribes, the National Commissions for Minorities and Backward Classes, are all creations of Parliament. Our Parliament has also taken various initiatives to further promote openness and transparency in the administration by enabling citizens to secure access to information under the control of public authorities. As you all are aware, the strengthening of the process of ensuring Executive accountability through a comprehensive Committee System has enhanced the role of Parliament by providing a new meaning and content to the concepts of parliamentary surveillance.

It will, indeed, be difficult to perceive of any other alternative to parliamentary democracy as the system of governance of our country. There is a body of opinion which talks of a perceptible decline in the stature of the institution of our Parliament. This is a perception which needs to be looked into in all earnest. As you all know, over the years, the complexion of Parliament has changed with it becoming more representative of a wide cross section of our society. Our Parliament

has been extremely responsive to the aspirations of our people in manifold ways. I would assert that in spite of political and ideological differences, there has been consensus and unanimity of opinion in our Parliament with regard to many of the major national issues with the ultimate objective of safeguarding the welfare of the people and the development of the nation.

Friends, what is to be borne in mind is that, ultimately, Parliament is the supreme representative institution of the country. The Houses are composed by representatives elected by the people themselves. Parliamentarians are the harbingers of change in varied ways. The Parliament today is not merely a law-making body. It performs a wide variety of roles, including grievance ventilation and its redressal, moulding of public opinion, ensuring accountability, providing leadership to the society, etc. It also functions as a safety valve, enabling articulation of ideals and issues on its floors, and thus preventing crises situations from spilling over on to the streets. In the process, Parliament helps to inculcate confidence in the people and also to sustain people's faith in the system.

The passage of the 73rd and 74th Amendments to our Constitution, which is a step towards decentralization, has created a new horizon for direct democracy and social transformation. Through this silent revolution of establishing grassroots democracy in India, people have now an opportunity to raise their voice and find place in the developmental process. The greatest of benefits which local self-governance offers to the people, to my mind, is that a large number of women, dalits and other marginalised classes have come to be part of the processes of decision making and thus of the governance structure. Each Panchayat election throws up many women leaders with active, articulate women backing and supporting them. Thus, a large number of women who had earlier been outside the realm of political participation now have secured a place in elected offices in the local bodies in rural as well as urban India. This poses a new challenge for us to ensure that their capacities and skills are consistently upgraded and they are adequately prepared to face the challenges that lie ahead of them. This assumes special importance when many of the schemes implemented by the Government for poverty alleviation and for provision of education, health, water supply and other basic services to the people, have been placed under the domain of the Panchayati Raj Institutions.

We need to urgently look into many other issues to preserve and protect democracy. To my mind, of particular importance is imparting education to our people. All efforts should be made to root out illiteracy

from the country. With literacy and education, we can build an informed electorate and an informed democracy. With it will also come leaders of character and calibre; we will also be able to secure gender parity, empowerment, and respect for dissent. An informed public will also be more civic conscious and will contribute towards sustainable development, environmental protection and population-related problems. They will also be fully conscious of their rights as also of their duties to the nation.

In the changing world of globalization, we would do well to guard against its negative impact. While we go in for economic reforms, we should ensure that such measures are consistent with our national interests and are implemented with a human face. Our national interests should also bear upon our relations with the rest of the world, especially with our neighbours and the developing world. India has always championed the cause of peace, progress and democracy everywhere and has been in the forefront in voicing the concerns of the developing world. We should continue to play a proactive role *vis-à-vis* the global community in our best national interests and in the interest of a larger, less exploitative and peaceful world order.

Friends, the thrust of democracy as a form of governance should be, among other things, on empowering people. If we talk of deepening democracy, we must meet the central challenge of strengthening the key institutions of democratic governance and promoting democratic politics. We need to focus our attention specially on expanding the capabilities of our people to realize their full potential by extending health-care, value-based education and increased employment opportunities. We shall be on the way to further consolidate democracy when our people are convinced of the efficacy of the core institutions and instrumentalities of our democratic political society like the Legislatures, elections, electoral laws and political leadership.

There are a number of institutional, policy and behavioural changes which make for democratic consolidation. Improved governance can be achieved by strengthening state capacity, rationalizing economic structures with a human face, eradicating corruption, by securing social and political order while maintaining basic freedoms, improving horizontal accountability and the Rule of Law. The process of consolidation of democracy gets accelerated with the improvement in the representative functions of democratic governance, enhancement of public accountability of Legislatures and local self-governments, and with the active participation of the civil society and the cooperation of a truly free, vigilant and responsible media. All organs of the State–the Legislature, the Executive and the Judiciary, and its Fourth Estate, the Media–have to endeavour in harmony

to secure and safeguard democracy. In particular, the constitutional scheme of separation of powers and checks and balances should be preserved. Each organ would do well to respect the others' jurisdiction and responsibilities and function within the constitutionally ordained scheme of things.

The Legislature and the Media are two of the pivotal pillars on which rests the edifice of a parliamentary democracy. We have the freedom of Press implicit in the fundamental right of the 'freedom of speech and expression' guaranteed to the citizens under article 19(1)(a) of our Constitution. We have extended various facilities to the Media persons to enable them to cover the proceedings of the Parliament in a true and non-partisan manner. Further, the televising and broadcasting of proceedings have brought the institution of Parliament nearer to the people. It is this recognition that made us start two separate channels for the live telecast of the proceedings of the Lok Sabha and the Rajya Sabha recently. It is of crucial importance that Parliament and the media work together, taking advantage of the developments in the field of information and communication technologies, to help evolve an informed citizenry and an informed democracy.

Friends, as I said earlier, we still have a long way to go in realizing the vision of our Founding Fathers. We need to continue to strive hard to make our democracy relevant for large sections of our people. We should not, however, let our failings and failures dampen our enthusiasm for democracy. Sustaining democracy, we must address the concerns of the common people and celebrate our success in consolidating democracy. The negative public perception of politics and of those in public life should not be permitted to cloud the minds of the younger generations. They should be made aware of the enduring promise of democracy and of their important role in preserving and nurturing the same by their active participation in the political processes. The dialogue on democracy should be an endless one, because the self-corrective nature of democracy enables it to overcome the challenges before the system.

Parliamentary Democracy in our country faces many challenges, both internal and external. Of prime importance is the quality and calibre of our leaders and the integrity of our system. It is said that in the early years of a Republic, it is the leaders who create institutions, but later, these institutions are expected to provide leaders. It is our good fortune that we have had outstanding leaders to guide our nascent Republic who built and bequeathed to us our institutions of governance. It is now for us, who are working these institutions, to provide leaders for the future generations. The integrity of our institutions as also of our leaders

will be a crucial factor determining the future of democracy in the country. If lack of integrity and indiscipline creep in to our institutions and leaders, our democracy will flounder. If integrity becomes the hall-mark of our system as a whole, we will continue to hold our head high among the comity of nations as the largest working democracy in the world.

Every citizen of our country should be made to feel that he or she is an important part of our democratic functioning and has a role in strengthening the system of parliamentary democracy. Transparency and probity should permeate the functioning of each and every organ and authority in the country. Corruption, in all its forms, has to be fought relentlessly and weeded out. There has to be exemplary behaviour on the part of all functionaries–be they part of the Executive or Legislature or the Judiciary.

The legislators in our country have the special responsibility of respecting adequately and faithfully the verdict of the people, who are the real masters in a democracy. If they themselves show lack of effective and dignified commitment to parliamentary behaviour and are perceived to be self-seekers and unconcerned about the discharge of their responsibility, the people, specially the youth who are our future leaders, will lose faith in the system as a whole, resulting ultimately in total chaos which, in turn, will be the harbinger of authoritarianism, the ultimate victims of which again will be the people themselves.

I can upon all concerned to try their best to ensure that our democratic institutions, particularly, the Parliament and the Assemblies, collectively function, as the most important bodies representing the people, and the individual members discharge their duties in a dignified manner, as the custodians of the people's faith in the largest parliamentary democracy in the world. Our laws should also contain adequate provisions to deal with legislators who fail to live up to the expectations of the people and indulge in demeaning behaviour ignoring norms of probity and rectitude. I urge all to consider whether we should not give to our people the right to recall their elected representative/s, if the situation so demands.

Today, the people and the Parties are increasingly talking of what is called 'the criminalisation of politics', but hardly do anything to remove the stigma from our body politic. I appeal to all political parties not to involve any one, perceived to have questionable antecedents, in the electoral process. At the same time, it is essential that our justice system should ensure that no one in public life be made targets of mischievous and untenable charges and allegations and, if so charged,

should be able to get redressal at the earliest so as not to deny them their legitimate right of participation in the political processes.

Our justice-delivery system, particularly, the criminal justice system, has an important role to play in cleansing our body politic. Mounting cases and slow movement of the judicial process make for a distressing scenario where pendency becomes the order of the day. Lamenting the state of affairs, the late Nani Palkhiwala once said; I quote:

> If I were asked to mention the greatest drawback of the administration of justice in India today, I would say that it is delay. ... Our cases drag over a length of time which makes eternity intelligible. The law may or may not be an ass, but in India it is certainly a snail and our cases proceed at a pace which would be regarded as unduly slow in a community of snails. Justice has to be blind but I see no reason why it should also be lame: here it just hobbles along, barely able to walk. Unquote.

The right to speedy trial, the Fundamental Right spelt out by the Supreme Court, under Article 21 of the Constitution, has been unable to ensure speedy disposal of cases. More than twenty-five years ago, in 1979, the Supreme Court, in the *Hussainara Khatoon* v. *State of Bihar case,* made it clear that 'speedy trial is of essence to criminal justice and there can be no doubt that the delay in trial by itself constitutes denial of justice'. To my mind, such gross delay in justice delivery tantamount to denial of justice, ultimately undermining the concept of Rule of Law itself. This is an aspect which cannot brook any further delay in finding solution. Otherwise, our law-enforcement system itself will come into question. Autonomous bodies like the CBI cannot function effectively, if its efforts remain inconclusive. As no innocent citizen should be harassed or hounded, a guilty person should not go unpunished either because of our dilatory criminal justice delivery system.

We have to build up new institutions and strengthen the existing ones to tackle effectively, if not to eliminate, the serious aberrations and distortions in our society. Corruption, favouritism, lack of probity and misuse of authority–are some of the many problems hindering the country's progress and development .and accentuating the peoples' woes. The country has to declare a war against such anti-people activities and cannot afford to make any compromises. In this endeavour, organization like the CBI has to play its assigned role with steadfast determination and commitment. The reputation of CBI as an efficient organization is not only to be maintained but enhanced by result-oriented activities. It should be a tool for fighting against crime and misdemeanors to cleanse the society, and not for perpetuating injustice and victimization.

Today, a substantial section of our population as also the members of our Parliament belong to the post-independence generation. It is important for them to remember that great sacrifices of generations before them had gone into our struggle for freedom and in laying the institutional foundations of our Republic. We should not undermine their importance by promoting hatred, negativism and divisiveness among our people and by weakening our institutions of governance. Only in the hands of a united and an eternally vigilant citizenry will our democracy be safe. A great responsibility is thus cast upon all of us in sustaining Parliamentary democracy, our freedom and democratic rights, and, more than anything else, in sustaining our people's faith in the institutions of our democracy. If we all faithfully discharge those responsibilities, nothing can ever undermine it. Reminding the American youth of the value of their Constitution for posterity, one of the greatest American Jurists, Mr. Joseph Story, said, and I quote:

> Let the American youth never forget that they possess (in their Constitution) a noble inheritance, bought by the toils and sufferings and blood of their ancestors and capable, if wisely improved, and faithfully guarded, of transmitting to their latest posterity all the substantial blessings of life, the peaceful enjoyment of liberty, property, religion, and independence. ... It may, nevertheless, perish in an hour by the folly, or corruption, or negligence of its only keepers, THE PEOPLE. Republics are created ... by the virtue, public spirit, and intelligence of the citizens. They fall, when the wise are banished from the public councils, because they dare to be honest, and the profligate are rewarded, because they flatter the people, in order to betray them. Unquote.

This is an eternal message and applies to all democracies.

The late D.P. Kohli, while addressing CBI Officers once said, and I quote: 'The public expects the highest standards from you both in efficiency and integrity. That faith has to be sustained.' I believe what D.P. Kohli told your colleagues holds equally true ~~for all~~ of us who are part and parcel of the governance structure of the country. Should efficiency and integrity and commitment to larger national causes permeate all our actions, as emphasized by late D.P. Kohli, we can rest assured that our parliamentary democracy will have a very safe, secure and resplendent future and, through it, our country, full of talent and opportunities, can occupy the topmost position in the comity of nations.

Thank you for your patient hearing.

2

PARLIAMENTARY EVENTS AND ACTIVITIES

CONFERENCES AND SYMPOSIA

The 112th Assembly of the Inter-Parliamentary Union in Manila, Philippines: The 112th Assembly of the Inter-Parliamentary Union (IPU) was held in Manila, Philippines from 3 to 8 April 2005.

The Indian Parliamentary Delegation to the Assembly was led by the Speaker, Lok Sabha, Shri Somnath Chatterjee. The other members of the Delegation were: the Deputy Chairman, Rajya Sabha, Shri K. Rahman Khan; the Deputy Speaker, Lok Sabha, Sardar Charnjit Singh Atwal; Sarvashri Saleem I. Shervani, Pawan Kumar Bansal, Mohammad Salim, Jesudasu Seelam, Smt. Sumitra Mahajan and Smt. Maya Singh, all members of Parliament; and the Secretary-General, Lok Sabha, Shri G. C. Malhotra. Besides, Shri N. C. Joshi, Additional Secretary, Rajya Sabha Secretariat and Shri S. Bal Shekar, Joint Secretary, Lok Sabha Secretariat attended the Assembly. Shri M. Rajagopalan Nair, Additional Secretary, Lok Sabha Secretariat, was the Secretary to the Delegation.

The Assembly mainly held deliberations on the following subjects and adopted resolutions thereon:–

- The role of Parliaments in the establishment and functioning of mechanisms to provide for the judgment and sentencing of war crimes, crimes against humanity, genocide and terrorism, with a view to avoiding impunity (Committee on Peace and International Security);
- The role of Parliaments in establishing innovative international financing and trading mechanisms to address the problems of debt and achieve the Millennium Development Goals (Committee on Sustainable Development, Finance and Trade);
- The role of Parliaments in advocating and enforcing observance of human rights in the strategies for the prevention, management and treatment of the HIV/AIDS Pandemic (Committee on Democracy and Human Rights);

- Emergency Item: Natural Disasters: The role of Parliaments in prevention, rehabilitation, reconstitution and protection of vulnerable groups.

The 9th Session of the Inter-Parliamentary Union Steering Committee and the WTO Public Symposium in Geneva, Switzerland: The 9th Session of the Inter-Parliamentary Union Steering Committee on the WTO was held in Geneva, Switzerland from 20 to 23 April 2005. Shri Rupchand Pal, MP attended the Session as a member of the Steering Committee of the Inter-Parliamentary Union.

The Session mainly deliberated on the topic "The WTO at 10. The perceived loss of sovereignty due to WTO accords: Should parliamentarians be concerned".

Conference on "Initiative on the Enhancement of the Powers of Parliamentarians with regard to the International Environmental Laws and Institutions for Sustainable Development" in Paris, France: The Conference on 'Initiative on the Enhancement of the Powers of Parliamentarians with regard to the International Environmental Laws and Institutions for Sustainable Development' was held in Paris from 22 to 23 April 2005.

The members of the Indian Delegation to the Conference were Prof. Rasa Singh Rawat, Shri Sachin Pilot and Smt. N. P. Durga, all members of Parliament.

Study Group on the Administration and Financing of Parliament in Zanzibar, Tanzania: The Commonwealth Parliamentary Association, in partnership with the World Bank Institute, conducted a Study Group on Administration and Financing of Parliament in Zanzibar, Tanzania from 26 to 29 May 2005.

The following agenda items were discussed in the Study Group:

- Ensuring the Independence, Effectiveness and Accountability of Parliament–an Overview of Governance Issues;
- Independent Funding of Parliament and Financing Controls;
- The Relationships between the Executive, the Speaker, the Corporate Body, the Clerk/Accounting Officer and the Staff of Parliament;
- The Levels of Delegated Authority Granted by a Corporate Body to the Parliamentary Service and the *Modus Operandi*;
- Human Asset Management; and
- Accountability.

Smt. M.S.K. Bhavani Rajenthiran, MP (Lok Sabha) and Dr. (Smt.) P.K. Sandhu, Joint Secretary, Lok Sabha Secretariat attended the Study Group from the India Union Branch of the CPA.

The 17th Commonwealth Parliamentary Seminar in Cape Town, South Africa: The 17th Commonwealth Parliamentary Seminar was held in Cape Town, South Africa from 29 May to 4 June 2005.

The following agenda items were discussed in the Study Group:

- History and Role of the Commonwealth and CPA;
- Parliamentary and Political Scene in South Africa;
- The Role of the Presiding Officer and Standing Orders;
- The Relationship between Parliament and the People;
- The Role and Responsibilities of an MP;
- Right to Information;
- Parliament, Gender and Human Rights;
- Relationship between Parliament, the Executive and the Public/ Civil Services;
- Parliamentary Committees and Committee Systems;
- Financial Responsibility in the Democratic Process; and
- Parliamentary ethics and accountability.

Shri T. Chhewang, MP (Lok Sabha) attended the seminar as the delegate from the India Union Branch of the CPA. He presented two papers, one on the topic "The Role and Responsibilities of an MP" and the other on "The Relationship between Parliament and the People".

BIRTH ANNIVERSARIES OF NATIONAL LEADERS

On the birth anniversaries of national leaders whose portraits adorn the Central Hall of Parliament House, functions are organised under the auspices of the Indian Parliamentary Group (IPG) to pay tributes to the leaders. Booklets containing profiles of these leaders, prepared by the Library and Reference, Research, Documentation and Information Service (LARRDIS) of the Lok Sabha Secretariat. are brought out on the occasion.

The birth anniversaries of the following leaders were celebrated during the period from 1 April to 30 June 2005.

Dr. B.R. Ambedkar: On the occasion of the birth anniversary of

Dr. B.R. Ambedkar, a function was held on 14 April 2005. The Prime Minister, Dr. Manmohan Singh; the Leader of the Opposition in the Lok Sabha, Shri L.K. Advani; the Minister of Railways, Shri Lalu Prasad; the Minister of Home Affairs, Shri Shivraj V. Patil; the Minister of Parliamentary Affairs and Minister of Urban Development, Shri Ghulam Nabi Azad; the Minister of Social Justice & Empowerment, Smt. Meira Kumar; the Deputy Chairman, Rajya Sabha, Shri K. Rahman Khan; members of Parliament, former members of Parliament and others paid floral tributes.

Pandit Motilal Nehru: On the occasion of the birth anniversary of Pandit Motilal Nehru, a function was held on 6 May 2005. The Prime Minister, Dr. Manmohan Singh; the Chairperson of the United Progressive Alliance, Smt. Sonia Gandhi; the Leader of the House and Minister of Defence, Shri Pranab Mukherjee; the Minister of Home Affairs, Shri Shivraj V. Patil; the Minister of Water Resources, Shri Priyaranjan Dasmunsi; the Deputy Chairman, Rajya Sabha, Shri K. Rahman Khan; the Deputy Speaker, Lok Sabha, Sardar Charnjit Singh Atwal; the Minister of State in the Ministry of Parliamentary Affairs, Shri B.K. Handique; the Minister of State in the Ministry of Home Affairs, Shri Shriprakash Jaiswal; members of Parliament and former members of Parliament, and others paid floral tributes.

Gurudev Rabindranath Tagore: On the occasion of the birth anniversary of Gurudev Rabindranath Tagore, a function was held on 9 May 2005. The Speaker, Lok Sabha, Shri Somnath Chatterjee; the Leader of the House and Minister of Defence, Shri Pranab Mukherjee; the Minister of Home Affairs, Shri Shivraj V. Patil; the Minister of Parliamentary Affairs and Minister of Urban Development, Shri Ghulam Nabi Azad; the Minister of Water Resources, Shri Priyaranjan Dasmunsi; the Minister of State in the Ministry of Parliamentary Affairs, Shri B. K. Handique; members of Parliament, former members of Parliament and others paid floral tributes.

Swatantryaveer Vinayak Damodar Savarkar: On the occasion of the birth anniversary of *Swatantryaveer* Vinayak Damodar Savarkar, a function was held on 28 May 2005. The Leader of the Opposition in the Lok Sabha, Shri L.K. Advani; members of Parliament, former members of Parliament and others paid floral tributes.

EXCHANGE OF PARLIAMENTARY DELEGATIONS

INDIAN PARLIAMENTARY DELEGATIONS GOING ABROAD

Belarus: A 12-member Indian Parliamentary Delegation led by the

Deputy Speaker, Lok Sabha, Sardar Charnjit Singh Atwal visited Belarus from 23 to 28 May 2005. The other members of the Delegation were: Sarvashri Kirip Chaliha, Francis K. George, Y. G. Mahajan, Harendra Singh Malik, E. G. Sugavanam, Smt. Chandra Kala Pandey, all members of Parliament, and the Secretary-General, Lok Sabha, Shri G. C. Malhotra. Shri S. K. Sharma, Additional Secretary, Lok Sabha Secretariat, was the Secretary to the Delegation.

Trinidad and Tobago: A 13-member Indian Parliamentary Delegation led by the Speaker, Lok Sabha, Shri Somnath Chatterjee visited Trinidad and Tobago from 30 May to 2 June 2005. The other members of the Delegation were: Sarvashri Ramdas Athawale, N.K. Premachandran, Raghuvir Singh Kaushal, K. Jayasurya Prakash Reddy, Chengara Surendran, Ravula Chandra Sekar Reddy, all members of Parliament, and the Secretary-General, Lok Sabha, Shri G.C. Malhotra. Shri Ajay Chadha, Joint Secretary, Lok Sabha Secretariat, was the Secretary to the Delegation.

Turkey: A 12-member Indian Parliamentary Delegation led by the Speaker, Lok Sabha, Shri Somnath Chatterjee visited Turkey from 11 to 16 June 2005. The other members of the Delegation were: Sarvashri Uday Singh, Jaisingrao Gaikwad Patil, Sharad Anantrao Joshi, Asaduddin Owaisi, Dr. Rameshwar Oraon, all members of Parliament and the Secretary-General, Lok Sabha, Shri G.C. Malhotra. Shri N.K. Sapra, Joint Secretary, Lok Sabha Secretariat, was the Secretary to the Delegation.

FOREIGN PARLIAMENTARY DELEGATION VISITING INDIA

Jordan: An 11-member Parliamentary Delegation from Jordan led by Mr. Sami Ali Moh'd Khasawneh, member of the Jordanian Parliament visited India from 19 to 23 April 2005.

On 19 April 2005, the Delegation called on the Speaker, Lok Sabha, Shri Somnath Chatterjee and the Minister of State in the Ministry of External Affairs, Shri E. Ahamed. The Deputy Speaker, Lok Sabha, Sardar Charnjit Singh Atwal hosted a dinner in honour of the Delegation the same evening.

On 20 April 2005, the Delegation called on the President of India, Dr. A.P.J. Abdul Kalam and the Vice-President of India and Chairman, Rajya Sabha, Shri Bhairon Singh Shekhawat.

Besides Delhi, the Delegation visited Agra and Jaipur.

BUREAU OF PARLIAMENTARY STUDIES AND TRAINING

During the period from 1 April to 30 June 2005, the Bureau of Parliamentary Studies and Training organized the following courses/ programmes:

Orientation Programmes: (i) An Orientation Programme was organized for the media persons accredited to the Press Galleries of Parliament from 25 to 28 April 2005. It was attended by 88 media persons.

(ii) An Orientation Programme was organized for the members of the Arunachal Pradesh Legislative Assembly from 11 to 13 May 2005. It was attended by 26 MLAs.

Appreciation Courses: During the period, Appreciation Courses were organized for the probationers of the following Central Services/All India Services: (i) Indian Administrative Service, attended by 92 participants (18 to 21 April 2005), (ii) Indian Revenue Service, attended by 45 participants (30 May to 3 June 2005)

Attachment Programmes: An Attachment Programme was organized for an official from Kenya National Assembly from 19 to 20 April 2005.

Training Programmes: (i) A Training Programme in Parliamentary Processes and Procedures and Parliamentary Security was organized for newly recruited Security Assistants of the Lok Sabha and the Rajya Sabha Secretariats from 24 to 31 May 2005. It was attended by 25 participants.

(ii) A Training Programme on Noting, Drafting and Office Procedures was organized for Executive/Research/Reference Officers and Research/ Reference/Senior Assistants and Executive Assistants of the Lok Sabha Secretariat from 7 to 10 June 2005. It was attended by 24 participants.

(iii) Shorthand Training classes were organized for the Stenographers appearing in the Departmental Examination and Skill Test for promotion to the grade of Personnel Assistants in Lok Sabha Secretariat from 26 May to 10 June 2005. The same was attended by 53 participants.

Seminar: A Seminar on 'Role of Media in Bringing Parliament closer to the People' was organized on 7 May 2005. The Seminar was attended by 88 participants, including members of Parliament and representatives of the Media.

Study Visits: A Study Visit by Women Political Activists including

members of Parliament from Afghanistan, Bangladesh and Pakistan was conducted on 17 June 2005. It was attended by 20 activists/ members.

The Bureau also conducted 16 other Study Visits during the period. Students of Institutes and officers/staff of many organizations benefited from these visits. A total number of 222 participants came for these study visits.

PROCEDURAL MATTERS

Observation from the Chair: Regulation of Raising of Matters of Urgent Public Importance after Question Hour and Increasing the number of matters to be raised under rule 377: On 21 April 2005 before taking up the matters listed for the 'Zero Hour', the Speaker made the following observation:

> "Honourable members, as you are aware, the matter relating to regulation of, what is called, 'Zero Hour' has been engaging our attention for quite some time. Yesterday, I had convened a meeting of the honourable leaders of parties in the Lok Sabha to discuss this matter. After deliberations on the issue, it was agreed that the matters of only urgent national and international importance, to be decided by the Speaker, should be allowed to be raised. To enable raising of matters in an orderly manner, it was suggested that such members who were to be permitted by the Chair will be duly informed before 12 Noon. To facilitate scrutiny of the matters, the notices should be received up to 0930 hours instead of 1000 hours.
>
> It was further agreed that the number of matters to be raised under Rule 377 be increased from 15 to 20 per day to enable more members to raise their issues.
>
> In pursuance of this decision, it is proposed that with effect from 25 April 2005:
>
> (i) The notices for raising matters of urgent public importance after the Question Hour will be given by 0930 hours on the day on which the matter is proposed to be raised instead of 1000 hours as at present;
>
> (ii) Notices will be scrutinised with reference to the national and international importance of the matter and members who are to be permitted to raise their issues will be duly intimated before the commencement of the 'Zero Hour';
>
> (iii) After the aforesaid names are exhausted, time permitting, other members may be permitted to raise their issues in the order to be decided by the Speaker; and

(iv) The number of matters under Rule 377 be raised from 15 per day, as at present, to 20 per day.

Kind cooperation of the honourable members is solicited"

Observation from the Chair: Appeal to the Opposition parties to end their boycott of the proceedings of the House: On 5 May 2005 at the commencement of the sitting of the House, the Speaker, welcoming the members of the Telugu Desam Party back into the House after ending their boycott and also urging other Opposition parties to end their boycott, observed:

"Honourable members, at the outset, let me welcome the honourable members belonging to the Telugu Desam Party (TDP), who have decided to attend the proceedings of the House.

As the Speaker of the House of the People, I cannot, but express my deep sense of disappointment at the decision taken by the Opposition Parties to continue to remain absent from the House. Since the decision of boycott by the Opposition Parties, I have been, almost every day, requesting them to come and participate in the proceedings. On my behalf, I have assured them that I shall allow all the issues, which are permitted by the Rules, to be discussed on the Floor of the House.

Lok Sabha is the House of the People. It does not belong either to the Government or to any particular Section of the House. The Speaker's duty is to see that the House performs in accordance with the Rules and Procedures of Business, so that the objectives for which the Lok Sabha has been constituted are fulfilled.

I feel it will be an unwarranted exercise of power of the Speaker if he meddles into the political affairs or the political formulations of any Party or Group of Parties, and seeks to intervene. It has been suggested by my friends in the Opposition that I should have written to the honourable Prime Minister on the issue of what is called 'the grievances of the Opposition against the Government and the Treasury Benches'. According to me, it would have been an intrusion by the Speaker into an arena, which should be left to the political parties to decide and resolve.

Apart from the daily requests, both verbally through the media and also by letters addressed to the honourable Chairperson of the NDA as also to the honourable Leader of the Opposition, I have been inviting the honourable Leaders of all the political

parties–including those parties boycotting the proceedings to comeback and join–every morning for a meeting before the start of the proceedings of the day. But, unfortunately, without the desired result.

I once again request all my friends in the House to take part in the proceedings in a manner for which there are ample Rules and Procedures available to us."

Reference to commemorate the 60th Anniversary of the end of the Second World War: On 9 May 2005, at the commencement of the sitting, the Speaker made a reference to commemorate the 60th Anniversary of the end of the Second World War. Homage was paid to more than 50 million people, including a large number of Indian soldiers, who laid down their lives.

Reference to the successful launch of PSLV C-6: On 5 May, 2005 at the commencement of the sitting, the Speaker made a reference to the successful launch of PSLV C-6, carrying two satellites CARTOSAT-I and HAMSAT. The House joined him in congratulating the scientists on their magnificent achievements.

Instances when the Chair allowed the members to lay their written speeches on the Table of the House: On 20 April 2005, during discussion on Railway Budget 2005-06, the Chair permitted eight members to lay their written speeches on the Table of the House. Out of these, four members laid portions of their written speeches on the Table.

On 21 April 2005, during discussion on the General Budget 2005-06 (Demands for Grants pertaining to the Ministry of Agriculture), the Chair permitted five members to lay their written speeches on the Table of the House.

On 25 April 2005, during discussion on the General Budget 2005-06 (Demands for Grants pertaining to the Ministry of Agriculture), the Chair permitted two members to lay their written speeches on the Table.

On 27 April 2005, during discussion on the General Budget 2005-06 (Demands for Grants pertaining to the Ministry of Science and Technology), the Speaker permitted three members to lay their written speeches on the Table. Out of these, two members laid portions of their written speeches on the Table.

Instances when the Chair allowed members, whose names were not in the list of Business, to ask clarificatory questions on Calling Attentions: On 28 April 2005, the Speaker allowed four members,

Sarvashri Hannan Mollah, C.K. Chandrappan, Shailendra Kumar and Rupchand Pal whose names were not in the List of Business, to ask clarificatory question on the Calling Attention regarding huge non-performing assets in the banks.

On 2 May 2005, the Speaker allowed three members, Sarvashri Shailendra Kumar, Nikhil Kumar and Md. Salim whose names were not in the List of Business, to ask clarificatory questions on the Calling Attention regarding the need to promote sports and to create more infrastructure for the development of sports complexes.

On 3 May 2005, the Speaker allowed five members, Sarvashri Pawan Kumar Bansal, Shailendra Kumar, Dr. Ram Chandra Dome, Smt. D. Purandeswari and Smt. Minati Sen whose names were not in the List of Business, to ask clarificatory questions on the Calling Attention regarding increasing incidents of female foeticide.

On 4 May 2005, the Speaker allowed four members, Sarvashri Gurudas Dasgupta, Shailendra Kumar, Rupchand Pal and Smt. C.S. Sujatha whose names were not in the List of Business, to ask clarificatory questions on the Calling Attention regarding disinvestment of the Juhu Beach Centaur Hotel, Mumbai.

On 5 May 2005, the Speaker allowed six members, Sarvashri Mohan Singh, Kirip Chaliha, Ramdas Athawale, Hannan Mollah, Dr. Babu Rao Mediyam and Smt. Jayaprada whose names were not in the List of Business, to ask clarificatory questions on the Calling Attention regarding decision of the All India Radio to discontinue services from Delhi in five regional languages.

On 6 May 2005, the Speaker allowed three members, Sarvashri Shailendra Kumar, Ramdas Athawale and Ram Kripal Yadav whose names were not in the List of Business, to ask clarificatory questions on the Calling Attention regarding the need to upgrade the newly opened Kendriya Vidyalayas in Leh and Kargil districts of Ladakh.

On 9 May 2005, the Speaker allowed three members, Sarvashri Shailendra Kumar, S. Sudhakar Reddy and G. Venkatswamy whose names were not in the List of Business, to ask clarificatory questions on the Calling Attention regarding non-finalization of the National Coal Workers Wage Agreement-VII.

On 10 May 2005, the Speaker allowed five members, Sarvashri V. Kishore Chandra S. Deo, Sandeep Dikshit, Basudeb Acharia, Shailendra Kumar, and Giridhar Gamang whose names were not in the List of Business, to ask clarificatory questions on the Calling Attention

regarding non-implementation of the instructions and guidelines for regularising the forest land being cultivated by the farmers.

On 11 May 2005, the Speaker allowed two members, Shri K. Yerrannaidu and Smt D. Purandeswari whose names were not in the List of Business, to ask clarificatory questions on the Calling Attention regarding fall in prices of chillies in Tamil Nadu and Andhra Pradesh.

On 12 May 2005, the Speaker allowed two members, Sarvashri Chandra Sekhar Sahu and K.S. Manoj whose names were not in the List of Business, to ask clarificatory questions on the Calling Attention regarding problems being faced by the traditional fishermen in the country.

On 13 May 2005, the Speaker allowed Shri Santasri Chatterjee whose name was not in the List of Business, to ask a clarificatory question on the Calling Attention regarding alleged violation of Payment of Wages Act and Payment of Minimum Wages Act and the need to enact a comprehensive legislation for the un-organised labour.

4

PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS

(1 APRIL TO 30 JUNE 2005)

Events covered in this Feature are based primarily on reports appearing in the daily newspapers and, as such, the Lok Sabha Secretariat does not accept any responsibility for their accuracy, authenticity or veracity.

–Editor

INDIA

DEVELOPMENTS AT THE UNION

Budget Session of Parliament: The Budget Session of Parliament commenced on 25 February 2005 with the Address by the President, Dr. A.P.J. Abdul Kalam to members of both the Houses of Parliament assembled together in the Central Hall of Parliament House. The two Houses were adjourned on 24 March 2005 to facilitate the Departmentally-Related Standing Committees of Parliament to examine the Demands for Grants of the Union Ministries/Departments assigned to them and submit their reports to the House. Both the Houses re-assembled on 19 April 2005 and were adjourned *sine die* on 13 May 2005. The two Houses were prorogued by the President on 17 May 2005.

Death of Union Minister: On 25 May 2005, Shri Sunil Dutt, the Union Minister of Youth Affairs and Sports and a member of Lok Sabha from Mumbai North-West, (Maharashtra), passed away following a heart attack.

Resignation of Rajya Sabha Member: On 2 May 2005, Shri K. Karunakaran, a member of the Rajya Sabha from Kerala belonging to the Indian National Congress (INC) resigned his seat.

Elections to the Rajya Sabha: On 23 April 2005, Shri Vasant Chavan of the Nationalist Congress Party (NCP) was declared elected to the Rajya Sabha from Maharashtra.

On 27 May 2005, Shri A. K. Antony of the Indian National Congress (INC) was declared elected to the Rajya Sabha from Kerala.

On 3 June 2005, Shri Digvijay Singh of the Janata Dal (United) was elected to the Rajya Sabha from Jharkhand.

Lok Sabha By-election Result: On 5 June 2005, Shri S. Bangarappa of the Samajwadi Party (SP) was declared elected to the Lok Sabha from Shimoga (Karnataka) Constituency, the by-election for which was held on 2 June 2005.

Resignation of Lok Sabha Member: On 6 June 2005, Shri Bhupinder Singh Hooda, member of the Lok Sabha from Rohtak (Haryana), belonging to the Indian National Congress (INC) resigned his seat.

AROUND THE STATES

ANDHRA PRADESH

Assembly By-election Result: Smt. Paritala Sunithamma of the Telugu Desam Party (TDP) was declared elected from the Penukonda Assembly Constituency, by-election for which was held on 2 June 2005.

BIHAR

Dissolution of State Assembly: On 22 May 2005, on the recommendation of the Union Cabinet, the President, Dr. A.P.J. Abdul Kalam dissolved the Bihar Legislative Assembly.

GOA

Assembly By-elections Results: By-elections to five Assembly constituencies were held on 2 June 2005. The winners are: Sarvashri Atanasio Monserrate (INC-Taleigao); Pandurang A. Madakaikar (INC-Cumbarjua); Digamber Vasant Kamat (INC-Margao); Pacheco Francisco Xavier (NCP-Benaulim) and Ramesh Bombo Tawadkar (BJP-Poinguinim).

Revocation of President Rule: On 6 June 2005, on the recommendation of the Union Cabinet, the President, Dr. A.P.J. Abdul Kalam revoked the President's Rule and revived the State Assembly which had been put under suspended animation since 4 March 2005.

On the same day, Shri Pratapsinh Rane was unanimously elected as the leader of the Congress Legislature Party.

New Government: On 7 June 2005, the Congress-led coalition Government with Shri Pratapsinh Rane as the Chief Minister was sworn-in. Along with him, Shri Wilfred D'Souza and Shri Ramkrishna Dhavlikar were inducted as the Cabinet Ministers. Shri Wilfred D'Souza was designated as the Deputy Chief Minister.

HARYANA

Assembly By-elections Results: The Indian National Congress won all the three Assembly seats, by-elections for which were held on 2 June 2005. The winners are: Shri Bhupendra Singh (Kiloi); Smt. Kiran Choudhary (Tosham); and Smt. Savitri Jindal (Hissar).

JHARKHAND

Resignation of Minister: On 10 April 2005, the Minister of Public Health and Engineering Department, Shri Radha Krishna Kishore resigned from the Cabinet.

KARNATAKA

Assembly By-election Result: Shri Zameer Ahmed Khan of the Janata Dal (Secular) was declared elected from the Chamarajapet Assembly Constituency, by-election for which was held on 2 June 2005.

KERALA

Assembly By-elections Results: Sarvashri M. Prakashan Master and P. Jayarajan, both from the CPI (M) were declared elected from the Azhikode and Kuthuparamba Assembly Constituencies, respectively, by-elections for which were held on 2 June 2005.

MADHYA PRADESH

Expansion of Council of Ministers: On 1 June 2005, the Chief Minister, Shri Babu Lal Gaur expanded his Council of Ministers by inducting two Ministers of the Cabinet rank and four Ministers of State. The newly inducted Cabinet Ministers were: Sarvashri Himmat Kothari and Ms. Kusum Singh Mehdle. The new Ministers of State were: Sarvashri Narottam Mishra, Kamal Patel, Parasmal Jain and Ajay Bishnoi.

The Chief Minister dropped three Ministers from his Council of Ministers. They were: Sarvashri Harnam Singh Rathore, Dilip Bhatere and Shivnarayan Jagirdar.

The Chief Minister also re-allocated the portfolios of the members of his Council of Ministers. The names of Cabinet Ministers with their portfolios are as follows: Shri Babu Lal Gaur, *Chief Minister, General Administration (GAD), Home, Public Relations, Narmada Valley Development Authority (NVDA), Information Technology, Bio-Diversity and Bio-Technology;* Sarvashri Himmat Kothari, *Forests;* Gauri Shankar Shejwar, *School Education and Social Justice;* Kailash Chawla, *Commercial Tax, Commerce*

and Industry, Employment and Public Sector Undertakings; Raghavji, *Finance, Planning, Economics and Statistics and 20-Point Implementation;* Dhal Singh Bisen, *Jail;* Gopal Bhargava, *Agriculture*; Kailash Vijayvargiya, *Public Works Department;* Chaudhary Chandrabhan Singh, *Food and Civil Supplies and Consumer Protection;* Narendra Singh Tomar, *Panchayat, Rural Development and Village Industries;* Om Prakash Dhurve, *Sports and Youth Welfare;* Anup Mishra, *Water Resources;* Jayant Kumar Malaiya, *Urban Administration and Development and Tourism;* Kunvar Vijay Shah, *Scheduled Tribes Welfare;* Rustam Singh, *Public Health and Family Welfare;* Smt. Archana Chitnis, *Animal Husbandry and Gau Sanvardhan Board;* and Ms. Kusum Mehdle, *Revenue, Women and Child Development.*

The names of the Ministers of State with Independent Charge along with their portfolios are: Sarvashri Rajendra Shukla, *Housing and Environment;* Laxmikant Sharma, *Mining, Public Grievances, Culture, Religious Trusts and Endowments, Rehabilitation, Science and Technology;* Badrilal Yadav, *Fisheries, Backward Classes and Minorities Welfare;* Umashankar Gupta, *Transport, Higher Education, Bhopal Gas Tragedy Relief and Rehabilitation;* Narottam Mishra, *Law and Parliamentary Affairs;* Kamal Patel, *Medical Education, Technical Education and Training;* Rampal Singh, *Public Health Engineering;* and Luvkesh Singh, *Labour.*

The names of the other Ministers of State along with their portfolios are: Sarvashri Moti Kashyap, *Revenue;* Gangaram Patel, *GAD;* Gopilal Jatav, *Scheduled Castes Welfare;* Jagdish Dewda, *Home and School Education;* Karan Singh Verma, *Panchayat and Rural Development;* Narayan Singh Kushwaha, *Social Justice, Animal Husbandry and Gau Sanvardhan;* Antar Singh Arya, *Scheduled Tribes Welfare;* Parasmal Jain, *Forests;* Ajay Bishnoi, *PWD and NVDA;* and Km. Meena Singh, *Women and Child Development.*

ORISSA

Assembly By-election Result: Smt. Sushma Patel of the Bharatiya Janata Party (BJP) was declared elected from the Sundargarh Assembly seat, by-election for which was held on 21 April 2005.

TAMIL NADU

Assembly By-elections Results: Shri K. S. Vijayakumar and Smt. Mythili, both of the AIADMK were declared elected from the Gummidipundi and Kancheepuram Assembly Constituencies, respectively, by-elections for which were held on 14 May 2005.

UTTAR PRADESH

Death of Former Governor: On 17 April 2005, the former Governor, Shri Vishnukant Shastri died following a heart attack. He was 76.

Assembly By-elections Results: The by-elections to four Assembly Constituencies were held on 2 June 2005. The winners are: Ms. Rabiya Begam (Samajwadi Party-Varanasi North); Shri Algaoo Prasad Chauhan (Samajwadi Party-Hainsar Bazar); Shri Khalid Azim *alias* Ashraf (Samajwadi Party-Allahabad West) and Shri Amar Singh Parmar (Rashtriya Lok Dal-Kheeraghad).

EVENTS ABROAD

BOLIVIA

Resignation of President: On 9 June 2005, the President, Mr. Carlos Mesa resigned from his post. The Chief Justice of the Supreme Court, Mr. Eduardo Rodriguez was sworn in as the new President on 16 June 2005.

BULGARIA

Election Results: The elections to the 240-seat National Assembly (the unicameral Legislature) were held on 25 June 2005. The party position following the elections is as follows: Coalition for Bulgaria (Bulgarian Socialist Party-BSP): 82; National Movement Simeon II (NDSV): 53; Movement for Rights and Freedoms (DPS): 34; Attack Coalition: 21; United Democratic Forces (ODS): 20; Democrats for Strong Bulgaria: 17 and Bulgaria People's Union: 13.

CZECH REPUBLIC

New Government: On 25 April 2005, the President Mr. Vaclav Klaus appointed a coalition Government comprising Czech Social Democratic Party (CSDP), the Freedom Union and the Christian Democratic Union-Czech People's Party (KDU-CSL) with Mr. Jiri Paroubek of the CSDP as the Prime Minister. The appointment followed the resignation of Prime Minister, Mr. Stanislav Gross on 9 April 2005.

DJIBOUTI

President Election: Mr. Ismael Omar Guelleh was re-elected as the President of Djibouti, election for which was held on 8 April 2005.

On 22 May 2005, the President re-appointed Mr. Dilleita Mohamed Dilleita as the Prime Minister.

ECUADOR

Removal of President: On 20 April 2005, the Congress (the unicameral Legislature) removed President, Col. Lucio Gutierrez from the office after mass public protests held in the capital Quito, against Mr. Gutierrez's attempt to control the Judiciary. The Congress appointed Vice-President, Mr. Alfredo Palacio as the new President.

ESTONIA

New Government: On 13 April 2005, a new three-party coalition Government comprising the Estonian Reform Party (ER), the Estonian People's Union (ERL) and the Estonian Centre Party (EK) with Mr. Andrus Ansip of the Estonian Reform Party as the Prime Minister was sworn in.

ETHIOPIA

Legislative Elections: The elections to the 548-seat Council of People's Representatives were held on 15 May 2005. The Ethiopian People's Revolutionary Democratic Front (EPRDF) secured 302 seats. The Coalition for Unity and Democracy (CUD) and the United Ethiopian Democratic Forces (UEDF) won 121 and 56 seats, respectively. The position in respect of other parties is as follows: Oromo Federalist Democratic Movement (OFDM): 11; Benishangul-Gumuz People's Democratic Unity Front (BGPDUF): 8; Afar National Democratic Party (ANDP): 8; Gambela People's Democratic Movement (GPDM): 3; Somali People's Democratic Party (SPDP): 1; Sheko and Mezenger People's Democratic Unity Organisation (SMPDUO): 1; Harari National League (HNL): 1; Argoba National Democratic Organisation (ANDO): 1; Sidama Liberation Movement (SLM): 1; Independent: 1 and Undeclared seats: 10. (The elections to the 23 seats reserved for the Somali Regional State would be held on 21 August).

FRANCE

New Prime Minister: On 2 June 2005, the President, Mr. Jacques Chirac appointed a new Government with Mr. Dominique de Villepin as the Prime Minister.

HUNGARY

New President: On 7 June 2005, the National Assembly elected Mr. Laszlo Solyom as the new President of the country.

IRAQ

New Speaker: On 3 April 2005, Iraq's transitional 275-seat National Assembly elected Mr. Hajem al-Hassani as the Speaker.

New President: On 6 April 2005, the National Assembly elected Mr. Jalal Talabani to the post of President. Mr. Ghazi Mashal Ajil al-Yawer and Mr. Adel Abdul Mahdi were elected as the Vice Presidents.

New Prime Minister: On 7 April 2005, the President, Mr. Talabani and the two Vice-President's (together comprising the three-member Presidential Council) appointed Mr. Ibrahim al-Jaafari as the Prime Minister.

KYRGYZSTAN

Resignation of President: On 4 April 2005, the President Mr. Askar Akayev resigned from his post. The Supreme Assembly appointed Mr. Kurmanbek Bakiev as the acting President.

LEBANON

New Prime Minister: On 15 April 2005, the President, Mr. Emile Lahoud appointed Mr. Najib Mikati as the new Prime Minister.

On 21 June 2005, Mr. Najib Mikati and his Government resigned. On 28 June 2005, Mr. Nabbi Berri was elected as the Speaker of the National Assembly. On 30 June 2005, the National Assembly appointed Mr. Fuad Siniora as the new Prime Minister.

MOLDOVA

President Re-elected: On 4 April 2005, the 101-seat Parlamentul (the unicameral Legislature), re-elected the President Mr. Vladimir Voronin for a second term in office.

MONGOLIA

New President: Mr. Nambariyn Enkhbayar was elected to the office of President, election for which was held on 22 May 2005.

TOGO

New President: Mr. Faure Gnassingbe was elected to the office President, election for which was held on 24 April 2005.

On 8 June 2005, the President, Mr. Faure Gnassingbe appointed Mr. Edem Kodjo as the Prime Minister, replacing Mr. Koffi Sama.

UNITED KINGDOM

Election Results: The elections to the 646-seat House of Commons were held on 5 May 2005. The ruling Labour Party lead by Mr. Tony Blair returned to power with 355 seats while the Conservative Party and Liberal Democrats secured 197 and 62 seats, respectively. The position in respect of other parties is as follows: Scottish National Party (SNP): 6; Plaid Cymru (Welsh Nationalists): 3; Democratic Unionist Party (DUP): 9; Sinn Fein: 5; Social Democratic and Labour Party (SDLP): 3; Ulster Unionist Party (UUP): 1; Respect-the Unity Coalition: 1; Independents: 2 and Speaker: 1 (one seat vacant as voting in Staffordshire South was postponed).

VATICAN

Death of Pope John Paul II: On 2 April 2005, Pope John Paul II (Karol Josef Wojtyla) passed away at his Vatican apartments.

On 19 April 2005, Cardinal Joseph Ratzinger was elected as the Pope by a secret conclave of 115 Cardinals and took the name Pope Benedict XVI.

Pope Benedict XVI was installed as the 265th Pontiff on 24 April 2005.

5

DOCUMENTS OF CONSTITUTIONAL AND PARLIAMENTARY INTEREST

The Constitution (Eighty-fourth Amendment) Act, 2001 had extended the constitutional embargo on undertaking fresh delimitation of electoral constituencies up to the year 2026 A.D. and had simultaneously provided for undertaking the readjustment and rationalization of electoral constituencies, including those reserved for the Scheduled Castes and the Scheduled Tribes, based on the population census for the year 1991, without affecting the number of seats allocated to the States in the legislative bodies. The Constitution (Eighty-seventh Amendment) Act, 2003 provided for readjustment and rationalization of electoral constituencies, including those reserved for the Scheduled Castes and the Scheduled Tribes, based on the Census for the year 2001. This exercise, however, did not affect the overall number of seats allocated to the States and Union territories in the legislative bodies. These provisions applied only to the States and not to the Union territories.

As far as delimitation with respect to the Union territories was concerned, the Government of Union Territories Act, 1963 and the Government of National Capital Territory of Delhi Act, 1991 respectively contained provisions, which were based on the 1971 and 1991 census, respectively. These provisions had also put an embargo on fresh allocation of seats in the Legislative Assemblies of Pondicherry and the National Capital Territory of Delhi up to the year 2000. It was proposed to amend the Government of Union Territories Act, 1963 and the Government of National Capital Territory of Delhi Act, 1991 on the lines of the amendment made to the Constitution by the Constitution (Eighty-fourth Amendment) Act, 2001 and the Constitution (Eighty-seventh Amendment) Act, 2003.

The Government of Union Territories and the Government of National Capital Territory of Delhi (Amendment) Bill, 2005, which sought to achieve the above mentioned objectives was passed by the Lok Sabha and the Rajya Sabha on 3 and 5 May 2005, respectively. It was assented to by the President on 21 May 2005.

The Prevention of Money-Laundering Act, 2002 was enacted to prevent money-laundering. It provided for confiscation of property derived from, or involved in money-laundering, and for matters connected therewith or incidental thereto. The Act had become necessary to implement the Political Declaration adopted by the Special Session of the United Nations General Assembly held from 8 to 10 June 1999, which called upon the Member States to adopt national money-laundering legislation and programme. The said Act had been enacted, broadly incorporating, the recommendations of the Standing Committee on Finance in its report presented to the Lok Sabha on 4 March

1999, and laid on the Table of the Rajya Sabha on 8 March 1999, and the recommendations of the Select Committee of Rajya Sabha given in its report presented to the Rajya Sabha on 24 July 2000.

Steps were taken by the Central Government to implement the provisions of the Prevention of Money-Laundering Act, 2002 which, *inter alia*, included entrusting the enforcement of the said Act to the Directorate of Enforcement in the Ministry of Finance, setting up of four Benches of Adjudicating Authorities, setting up of the Appellate Tribunal, etc. However, certain difficulties were envisaged while planning the implementation of the Act. In order to ensure effective implementation and to remove certain difficulties in the implementation of the aforesaid Act, it was proposed to amend the aforesaid Act, *inter alia,* so that it might–(*a*) provide that the Chairperson or a Member of any other Tribunal may be appointed (in addition to their holding the post as such) the Chairperson or a Member of the Appellate Tribunal, as the case may be, under the Prevention of Money-Laundering Act, 2002; (*b*) provide that a police officer shall investigate an offence, under the Prevention of Money-Laundering Act, 2002 only after he had been specifically authorised by the Central Government, subject to such conditions as may be specified by the rules; (*c*) omit clause (*a*) of sub-section (*1*) of section 45 of the Prevention of Money-Laundering Act, 2002, which provided that every offence punishable under that Act shall be cognizable; and (*d*) make other amendments which are consequential in nature.

The Prevention of Money-Laundering (Amendment) Bill, 2005, which sought to achieve the above mentioned objectives was passed by the Lok Sabha and the Rajya Sabha on 6 and 11 May 2005, respectively. It was assented to by the President on 21 May 2005.

India had always remained committed to safeguarding its national security as a Nuclear Weapon State. At the same time, India's policy has always been not to assist, encourage or induce any other country to manufacture weapons of mass destruction (WMD) including nuclear weapons or other nuclear explosive devices. India always continued to fulfil its international commitments under the Chemical Weapons Convention and the Biological and Toxin Weapons Convention, to which it is a State Party. India also remained committed to preventing non-State actors and terrorists from acquiring weapons of mass destruction and their means of delivery.

Over the years, India had enacted necessary legislations dealing with and having relevance to weapons of mass destruction, their means of delivery and related dual use materials, equipment and technologies. It had also put in place administrative mechanisms to prevent any unlawful access to weapons of mass destruction and their means of delivery. Being conscious of its responsibilities, India had exercised control over the export of WMD-usable materials, equipment and technologies.

In view of India's status as a Nuclear Weapon State and its international commitments, it was felt necessary to introduce an over-arching legislation to prohibit unlawful activities in relation to weapons of mass destruction, their means of delivery and related dual-use materials, equipment and technologies.

As such, this would provide an integrated legislative basis to India's commitment to prevent proliferation of weapons of mass destruction. In addition, the envisaged control over the export of WMD-usable materials, equipment and technologies would also fulfill India's mandatory obligations pursuant to UN Security Council Resolution 1540 adopted under Chapter VII of the UN Charter on 28 April 2004.

The Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Bill, 2005, which sought to achieve the above mentioned objectives was passed by the Lok Sabha and the Rajya Sabha on 12 and 13 May 2005, respectively. It was assented to by the President on 6 June 2005.

In order to ensure greater and more effective access to information, the Government resolved that the Freedom of Information Act, 2002 enacted by the Parliament needed to be made more progressive, participatory and meaningful. The National Advisory Council deliberated on the issue and suggested certain important changes to be incorporated in the existing Act to ensure smoother and greater access to information. The Government examined the suggestions made by the National Advisory Council and others and decided to make a number of changes in the law.

The important changes proposed to be incorporated, inter alia, included establishment of an appellate machinery with investigating powers to review decisions of the Public Information Officers; penal provisions for failure to provide information as per law; provisions to ensure maximum disclosure and minimum exemptions, consistent with the constitutional provisions, and effective mechanism for access to information and disclosure by authorities, etc. In view of significant changes proposed in the existing Act, the Government also decided to repeal the Freedom of Information Act, 2002. The new legislation proposed to provide an effective framework for effectuating the right of information recognized under Article 19 of the Constitution of India.

The Right to Information Bill, 2005, which sought to achieve the above- mentioned objectives was passed by the Lok Sabha and the Rajya Sabha on 11 and 12 May 2005, respectively. It was assented to by the President on 15 June 2005.

Having regard to the recommendations made by the Law Commission and the National Police Commission, the observations made by the Courts and the suggestions received from the State Governments and others, and with a view to removing certain difficulties or lacunae felt in its working, it had been found necessary to amend various sections of the Code of Criminal Procedure, 1973.

The Code of Criminal Procedure (Amendment) Bill, 2005, which sought to achieve the above mentioned objectives was passed by the Rajya Sabha and the Lok Sabha on 4 and 9 May 2005, respectively. It was assented to by the President on 23 June 2005.

We reproduce here the texts of the above Acts.

–Editor

THE GOVERNMENT OF UNION TERRITORIES AND THE GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI (AMENDMENT) ACT, 2005

An Act further to amend the Government of Union Territories Act, 1963 *and to amend the Government of National Capital Territory of Delhi Act,* 1991.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title.* (*1*) This Act may be called the Government of Union Territories and the Government of National Capital Territory of Delhi (Amendment) Act, 2005.

CHAPTER II

AMENDMENTS OF THE GOVERNMENT OF UNION TERRITORIES ACT, 1963

2. *Amendment of section 3.* In section 3 of the Government of Union Territories Act, 1963 (hereafter in this Chapter referred to as the Union Territories Act), in sub-section (*5*) in the *Explanation*, in the proviso,–

(*i*) for the figures "2000", the figures "2026" shall be substituted;

(*ii*) for the figures "1971", the figures "2001" shall be substituted;

3. *Amendment of section 38.* In section 38 of the Union Territories Act, in clause (*b*), for the words and figures "the Delimitation Commission Act, 1962", the words and figures "the Delimitation Act, 2002" shall be substituted.

4. *Amendment of section 43E.* In section 43E of the Union Territories Act,–

(*i*) for the figures "2000", the figures "2026" shall be substituted;

(*ii*) for the figures "1971", the figures "2001" shall be substituted;

CHAPTER III

AMENDMENT TO THE GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI ACT, 1991

5. *Amendment of section 3.* In section 3 of the National Capital Territory of Delhi Act, 1991, in the *Explanation*, for the proviso, the following proviso shall be substituted, namely:–

"Provided that the reference in this *Explanation* to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2026 have been published, be construed as a reference to the 2001 census.".

THE PREVENTION OF MONEY-LAUNDERING (AMENDMENT) ACT, 2005

An Act to amend the Prevention of Money-laundering Act, 2002.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title and commencement.* (*1*) This Act may be called the Prevention of Money-laundering (Amendment) Act, 2005.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

2. *Amendment of section 2.* In section 2 of the Prevention of Money-laundering Act, 2002 (hereinafter referred to as the principal Act), after clause (*n*), the following clause shall be inserted, namely:—

'(*na*) "investigation" includes all the proceedings under this Act conducted by the Director or by an authority authorised by the Central Government under this Act for the collection of evidence;'.

3. *Amendment of section 28.* In section 28 of the principal Act,—

(*a*) in sub-section (*1*), for the words "High Court", the words "High Court or is qualified to be a Judge of the High Court" shall be substituted;

(*b*) after sub-section (*3*), the following sub-section shall be inserted, namely:—

"(*4*) The Chairperson or a Member holding a post as such in any other Tribunal, established under any law for the time being in force, in addition to his being the Chairperson or a Member of that Tribunal, may be appointed as the Chairperson or a Member, as the case may be, of the Appellate Tribunal under this Act.".

4. *Omission of section 29.* Section 29 of the principal Act shall be omitted.

5. *Amendment of section 30.* In section 30 of the principal Act, for the words "terms and conditions of service", at both the places where they occur, the words and brackets "terms and conditions of service (including tenure of office)" shall be substituted.

6. *Amendment of section 44.* In section 44 of the principal Act, in sub-section (*1*), in clause (*b*), the words "upon perusal of police report of the facts which constitute an offence under this Act or" shall be omitted.

7. *Amendment of section 45.* In section 45 of the principal Act,–

(*a*) in sub-section (*1*), for the portion beginning with the words and figures "Notwithstanding anything contained in the Code of Criminal Procedure, 1973" and ending with the words "on his own bond unless–", the following shall be substituted, namely:–

"Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no person accused of an offence punishable for a term of imprisonment of more than three years under Part A of the Schedule shall be released on bail or on his own bond unless–";

(*b*) after sub-section (*1*), the following sub-section shall be inserted, namely:–

"(*1A*) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, or any other provision of this Act, no police officer shall investigate into an offence under this Act unless specifically authorised, by the Central Government by a general or special order, and, subject to such conditions as may be prescribed.";

(*c*) in sub-section (*2*), the words, brackets and letter "clause (*b*) of" shall be omitted.

8. *Amendment of section 73.* In section 73 of the principal Act, in sub-section (*2*),–

(*a*) in clause (*s*), for the words "terms and conditions of service", the words and brackets "terms and conditions of service (including tenure of office)" shall be substituted;

(*b*) after clause (*u*), the following clause shall be inserted, namely:–

"(*ua*) conditions subject to which a police officer may be authorised to investigate into an offence under sub-section (*1A*) of section 45;".

THE WEAPONS OF MASS DESTRUCTION AND THEIR DELIVERY SYSTEMS (PROHIBITION OF UNLAWFUL ACTIVITIES) ACT, 2005

An Act to prohibit unlawful activities, in relation to weapons of mass destruction and their delivery systems and for matters connected therewith or incidental thereto.

WHEREAS India is determined to safeguard its national security as a Nuclear Weapon State;

AND WHEREAS India is committed not to transfer nuclear weapons or other nuclear explosive devices, or to transfer control over such weapons or explosive devices, and not in any way to assist, encourage, or induce any other country to manufacture nuclear weapons or other nuclear explosive devices;

AND WHEREAS India is committed to prevent a non-State actor and a terrorist from acquiring weapons of mass destruction and their delivery systems;

AND WHEREAS India is committed to the objective of global nuclear disarmament;

AND WHEREAS India is committed to its obligations as a State Party to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction;

AND WHEREAS India is exercising controls over the export of chemicals, organisms, materials, equipment and technologies in relation to weapons of mass destruction and their delivery systems under other relevant Acts;

AND WHEREAS it is considered necessary to provide for integrated legal measures to exercise controls over the export of materials, equipment and technologies and to prohibit unlawful activities in relation to weapons of mass destruction and their means of delivery.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:–

1. *Short title and commencement.* (*1*) This Act may be called the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Act in addition to other laws.* Save as otherwise expressly provided in this Act, the provisions of this Act shall be in addition to *any* other relevant Act for the time being in force in relation to any matter covered under this Act.

3. *Extent and application.* (*1*) It extends to the whole of India including its Exclusive Economic Zone.

(*2*) Every person shall be liable to punishment under this Act for every act or omission contrary to the provisions thereof, of which he is held guilty in India.

(*3*) Any person who commits an offence beyond India, which is punishable under this Act, shall be dealt with according to the provisions of this Act in the same manner as if such act had been committed in India.

(*4*) The provisions of this Act shall also apply to–

(*a*) citizens of India outside India;

(*b*) companies or bodies corporate, registered or incorporated in India or having their associates, branches or subsidiaries, outside India;

(*c*) any ship, aircraft or other means of transport registered in India or outside India, wherever it may be;

(*d*) foreigners while in India;

(*e*) persons in the service of the Government of India, within and beyond India.

(*5*) Notwithstanding the applicability of the provisions of any other Central Act relating to any activity provided herein, the provisions of this Act shall apply to export, transfer, re-transfer, transit and trans-shipment of material, equipment or technology of any description as are identified, designated, categorised or considered necessary by the Central Government, as pertinent or relevant to India as a Nuclear Weapon State, or to the national security of India, or to the furtherance of its foreign policy or its international obligations under any bilateral, multilateral or international treaty, Covenant, Convention or arrangement relating to weapons of mass destruction or their means of delivery, to which India is a Party.

4. *Definitions.* In this Act, unless the context otherwise requires,–

(*a*) "biological weapons" are–

(*i*) microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes; and

(*ii*) weapons, equipment or delivery systems specially designed to use such agents or toxins for hostile purposes or in armed conflict;

(*b*) "brought in transit" means to bring goods from any country into India by land, air, or amphibious means of transportation, where the goods are to be taken out from India on the same conveyance on which they are brought into India without any landing in India, but does not include a conveyance in innocent passage through Indian territory, Indian territorial waters or Indian airspace of a foreign conveyance carrying goods.

Explanation I.—A conveyance is a foreign conveyance if it is not registered in India.

Explanation II.—A conveyance is in "innocent passage" if it is not engaged in relevant activity and passes through or above Indian territorial waters or airspace without stopping or anchoring in India;

(*c*) "chemical weapons" means,–

(*i*) the toxic chemicals and their precursors, except where intended for–

(*a*) industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes;

(*b*) protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons;

(*c*) military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare; or

(*d*) law enforcement including domestic riot control purposes;

as long as the types and quantities are consistent with such purposes;

(*ii*) the munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in sub-clause (*i*), which would be released as a result of the employment of such munitions and devices; and

(*iii*) any equipment specifically designed for use directly in

connection with the employment of munitions and devices specified in sub-clause (*ii*),

together or separately;

(*d*) "export" shall have the meaning assigned to this expression in the Foreign Trade (Development and Regulation) Act, 1992;

(*e*) "fissile material" and "radioactive material" shall have the meanings assigned to these expressions in the Atomic Energy Act, 1962;

(*f*) "item" means materials, equipment, and technology, of any description, notified under this Act or any other Act related to relevant activity;

(*g*) "non-State actor" is a person or entity not acting under the lawful authority of any country;

(*h*) "nuclear weapon or other nuclear explosive device" means any nuclear weapon or other nuclear explosive device as may be determined by the Central Government, whose determination in the matter shall be final;

(*i*) "public domain" means domain that has no restrictions upon dissemination of information within or from it; the existence of any legal rights to intellectual property in that information does not remove such information from being in public domain;

(*j*) "relevant activity" means,—

(*i*) the development, production, handling, operation, maintenance, storage or dissemination of a nuclear, chemical or biological weapon; or

(*ii*) the development, production, maintenance, storage or dissemination of missiles specially designed for delivering any such weapon;

(*k*) "re-transfer" means transfer of any item notified under this Act from any country or entity to which it has been exported from India, to yet another country or entity;

(*l*) "technology" means any information (including information embodied in software) other than information in the public domain, that is capable of being used in–

(*i*) the development, production or use of any goods or software;

(*ii*) the development of, or the carrying out of, an industrial or commercial activity or the provision of a service of any kind.

Explanation.—When technology is described wholly or partly

by reference to the uses to which it (or the goods to which it relates) may be put, it shall include services which are provided or used, or which are capable of being used, in the development, production or use of such technology or goods;

(*m*) "terrorist" shall have the meaning assigned to this expression in the Unlawful Activities (Prevention) Act, 1967;

(*n*) "trans-shipment" means to remove goods from the conveyance on which they were brought into India and to place the goods on the same or another conveyance for the purpose of taking them out of India, where these acts are carried out on a "through bill of lading", "through airway bill" or "through manifest".

Explanation.—"through bill of lading", "through airway bill" and "through manifest" means respectively a bill of lading, airway bill and manifest, for the consignment of goods from a place outside India to a destination which is also outside India without a consignee in India;

(*o*) "unlawful" means without the authority of the Central Government and the expression "unlawfully" shall be construed accordingly;

(*p*) "weapons of mass destruction" means any biological, chemical or nuclear weapons.

5. *Power to identify, designate, categorise or regulate certain activities.* (*1*) The Central Government may identify, designate, categorise or regulate, the export, transfer, re-transfer, trans-shipment, or transit of any item related to relevant activity in such manner as may be prescribed.

(*2*) The Central Government may, by order published in the Official Gazette, designate or notify any item related to relevant activity for the purposes of this Act.

6. *Power to appoint Advisory Committees.* For the purposes of this Act, the Central Government may appoint such Advisory Committees as it deems fit, and may appoint to them persons to exercise such powers and perform such duties as the Central Government may, by rules, prescribe.

7. *Delegation of powers.* (*1*) Subject to the provisions of this Act and any other law for the time being in force, related to relevant activity, the Central Government shall have the power to direct or assign to any authority, in such manner as it may deem appropriate, such powers as may be necessary to implement the provisions of this Act.

(*2*) The Central Government may appoint a Licensing Authority and an Appellate Authority and make provisions relating to such authority and for licensing in such manner and in such form, as the Central Government may, by rules, prescribe.

(*3*) Without prejudice to the generality of the provisions contained in this Act, the authorities and mechanisms provided under other relevant Acts shall continue to deal with matters covered under those Acts:

Provided that in case of any doubt as to whether a matter falls within the scope of such relevant Acts or under this Act, the decision of the Central Government thereon shall be final.

8. *Prohibition relating to weapons of mass destruction.* (*1*) No person shall unlawfully manufacture, acquire, possess, develop or transport a nuclear weapon or other nuclear explosive device and their means of delivery.

(*2*) No person shall unlawfully transfer, directly or indirectly, to any one a nuclear weapon or other nuclear explosive device, or transfer control over such a weapon, knowing it to be a nuclear weapon or other nuclear explosive device.

(*3*) No person shall unlawfully manufacture, acquire, possess, develop or transport a biological or chemical weapon or their means of delivery.

(*4*) No person shall unlawfully transfer, directly or indirectly, to any one biological or chemical weapons.

(*5*) No person shall unlawfully transfer, directly or indirectly, to any one missiles specially designed for the delivery of weapons of mass destruction.

9. *Prohibition relating to non-State actor or terrorist.* No person shall, directly or indirectly, transfer to a non-State actor or terrorist, any material, equipment and technology notified under this Act related to relevant activity:

Provided that such transfer made to a non-State actor shall not include a transfer made as such to any person acting under lawful authority in India.

10. *Prohibition as regards intimidating acts.* No person shall transfer, acquire, possess, or transport fissile or radioactive material, which is intended to be used to cause, or in a threat to cause, death or serious injury or damage to property for the purpose of intimidating people or a section of the people in India or in any foreign country, or compelling

the Government of India or the Government of a foreign country or an international organisation or any other person to do so or abstain from doing any act.

11. *Prohibition on export.* No person shall export any material, equipment or technology knowing that such material, equipment or technology is intended to be used in the design or manufacture of a biological weapon, chemical weapon, nuclear weapon or other nuclear explosive device, or in their missile delivery systems.

12. *Prohibition on brokering.* No person who is a resident in India shall, for a consideration under the terms of an actual or implied contract, knowingly facilitate the execution of any transaction which is prohibited or regulated under this Act:

Provided that a mere carriage, without knowledge, of persons, goods or technology, or provision of services, including by a public or private carrier of goods, courier, telecommunication, postal service provider or financial service provider, shall not be an offence for the purposes of this section.

13. *Regulation of export, transfer, re-transfer, transit and trans-shipment.* (*1*) No item notified under this Act shall be exported, transferred, re-transferred, brought in transit or transhipped except in accordance with the provisions of this Act or any of other relevant Act.

(*2*) Any transfer of technology of an item whose export is prohibited under this Act or any other relevant Act relating to relevant activity shall be prohibited.

(*3*) When any technology is notified under this Act or any other relevant Act, as being subject to transfer controls, the transfer of such technology shall be restricted to the extent notified thereunder.

Explanation.–The transfer of technology may take place through either or both of the following modes of transfer, namely:—

(*a*) by a person or from a place within India to a person or place outside India;

(*b*) by a person or from a place outside India to a person, or a place, which is also outside India (but only where the transfer is by, or within the control of, person, who is a citizen of India, or any person who is a resident in India).

(*4*) The Central Government may notify any item as being subject to the provisions of this Act, whether or not it is covered under any other relevant Act; and when such item is exhibited, sold, supplied or

transferred to any foreign entity or a foreigner who is resident, operating, visiting, studying, or conducting research or business within the territorial limits of India, or in its airspace or Exclusive Economic Zone, it shall constitute an offence.

14. *Offences and penalties.* Any person who contravenes, or attempts to contravene or abets, the provisions of section 8 or section 10 of this Act, shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine.

15. *Punishment for aiding non-State actor or terrorist.* (*1*) Any person who, with intent to aid any non-State actor or terrorist, contravenes the provisions of section 9 of this Act, shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine.

(*2*) Any person who, with intent to aid any non-State actor or terrorist, attempts to contravene or abets, or does any act preparatory to contravention of sub-section (*1*), shall be deemed to have contravened that provision and the provision of sub-section (*1*) shall apply subject to the modification that the reference to "imprisonment for life" therein shall be construed as a reference to "imprisonment for ten years".

(*3*) While determining the punishment under this section, the court shall take into consideration whether the accused had the knowledge about the transferee being a non-State actor or not.

16. *Punishment for unauthorised export.* (*1*) Any person who knowingly contravenes, abets or attempts to contravene, the provisions of sub-section (*4*) of section 13 of this Act, shall be punishable with fine which shall not be less than three lakh rupees and which may extend to twenty lakh rupees.

(*2*) If any person is again convicted of the same offence under sub-section (*1*), then he shall be punishable for the second and every subsequent offence with imprisonment for a term which shall not be less than six months but which may extend to five years and shall also be liable to fine.

17. *Punishment for violation of other provisions of the Act.* (*1*) Where any person contravenes, or abets or attempts to contravene, any provision of this Act other than the provisions under sections 8, 9, 10 and sub-section (*4*) of section 13 of this Act, he shall be punishable

with imprisonment for a term which shall not be less than six months but which may extend to five years and shall also be liable to fine.

(*2*) If any person is again convicted of the same offence under sub-section (*1*), then he shall be punishable for the second and every subsequent offence with imprisonment for a term which shall not be less than one year but which may extend to any seven years and shall also be liable to fine.

18. *Penalty for using false or making forged documents etc.* Where any person signs or uses, or causes to be signed or used, any declaration, statement or document submitted to the competent authority knowing or having reason to believe that such declaration, statement or document is forged or tampered with or is false in any material particular, and relates to items notified under this Act or any other relevant Act, including those related to relevant activity, he shall be punishable with fine which shall not be less than five lakh rupees or five times the value of the materials, equipment, technology or services, whichever is more.

19. *Punishment for offences with respect to which no provision has been made.* Whoever contravenes any other provision of this Act or any rule or order made thereunder for which no specific punishment is provided, shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

20. *Offences by companies.* (*1*) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(*2*) Notwithstanding anything contained in sub-section (*1*), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section—

(*a*) "company" means any body corporate and includes a firm and other association of individuals; and

(*b*) "director", in relation to a firm, means a partner in the firm.

21. *Cognizance of offences.* No Court shall take cognizance of any offence under this Act without the previous sanction of the Central Government or any officer authorised by the Central Government in this behalf.

22. *Bar of jurisdiction of civil courts.* No action or proceedings taken under section 5 and sub-sections (*1*) and (*2*) of section 7 of this Act by the Central Government or any officer authorised by it in this behalf shall be called in question in any civil court in any suit or application or by way of appeal or revision, and no injunction shall be granted by any civil court or other authority in respect of any action taken or to be taken in pursuance of any power conferred under those provisions.

23. *Effect of other laws.* (*1*) The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or any other instrument having effect by virtue of any enactment other than this Act.

(*2*) Where any act or omission constitutes an offence punishable under this Act and also under any other relevant Act, then the offender found guilty of such offence shall be liable to be punished under that Act which imposes a greater punishment.

24. *Protection of action taken in good faith.* No suit, prosecution or other legal proceeding shall lie against the Central Government or any officer or authority of the Central Government or any other authority on whom powers have been conferred pursuant to this Act, for anything which is in good faith done or purported to be done in pursuance of this Act or any rule or order made thereunder.

25. *Special provisions as to Central Government.* Nothing in this Act shall affect the activities of the Central Government in the discharge of its functions relating to the security or the defence of India.

26. *Power to make rules.* (*1*) The Central Government may, by notification, make rules to carry out the provisions of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) manner of regulating any item related to relevant activity under sub-section (*1*) of section 5;

(*b*) appointment of Advisory Committees, their powers and duties under section 6;

(*c*) appointment of Licensing and Appellate Authority and the manner of licensing under sub-section (*2*) of section 7; and

(*d*) any other matter which has to be, or may be, prescribed.

(*3*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

27. *Power to remove difficulties.* (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of the period of two years from the date of commencement of this Act.

(*2*) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

THE RIGHT TO INFORMATION ACT, 2005

An Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority, the constitution of a Central Information Commission and State Information Commissions and for matters connected therewith or incidental thereto.

WHEREAS the Constitution of India has established democratic Republic;

AND WHEREAS democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to

contain corruption and to hold Governments and their instrumentalities accountable to the governed;

AND WHEREAS revelation of information in actual practice is likely to conflict with other public interests including efficient operations of the Governments, optimum use of limited fiscal resources and the preservation of confidentiality of sensitive information;

AND WHEREAS it is necessary to harmonise these conflicting interests while preserving the paramountcy of the democratic ideal;

NOW, THEREFORE, it is expedient to provide for furnishing certain information to citizens who desire to have it.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title, extent and commencement.* (*1*) This Act may be called the Right to Information Act, *2005.*

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

(*3*) The provisions of sub-section (*1*) of section 4, sub-sections (*1*) and (*2*) of section 5, sections 12, 13, 15,16, 24, 27 and 28 shall come into force at once, and the remaining provisions of this Act shall come into force on the one hundred and twentieth day of its enactment.

2. *Definitions.* In this Act, unless the context otherwise requires,—

(*a*) "appropriate Government" means in relation to a public authority which is established, constituted, owned, controlled or substantially financed by funds provided directly or indirectly—

(*i*) by the Central Government or the Union territory administration, the Central Government;

(*ii*) by the State Government, the State Government;

(*b*) "Central Information Commission" means the Central Information Commission constituted under sub-section (*1*) of section 12;

(*c*) "Central Public Information Officer" means the Central Public Information Officer designated under sub-section (*1*) and includes a Central Assistant Public Information Officer designated as such under sub-section (*2*) of section 5;

(*d*) "Chief Information Commissioner" and "Information Commissioner" mean the Chief Information Commissioner and Information Commissioner appointed under sub-section (*3*) of section 12;

(*e*) "competent authority" means—

(*i*) the Speaker in the case of the House of the People or the Legislative Assembly of a State or a Union territory having such Assembly and the Chairman in the case of the Council of States or Legislative Council of a State;

(*ii*) the Chief Justice of India in the case of the Supreme Court;

(*iii*) the Chief Justice of the High Court in the case of a High Court;

(*iv*) the President or the Governor, as the case may be, in the case of other authorities established or constituted by or under the Constitution;

(*v*) the administrator appointed under article 239 of the Constitution;

(*f*) "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;

(*g*) "prescribed" means prescribed by rules made under this Act by the appropriate Government or the competent authority, as the case may be;

(*h*) "public authority" means any authority or body or institution of self-government established or constituted—

(*a*) by or under the Constitution;

(*b*) by any other law made by Parliament;

(*c*) by any other law made by State Legislature;

(*d*) by notification issued or order made by the appropriate Government, and includes any—

(*i*) body owned, controlled or substantially financed;

(*ii*) non-Government organisation substantially financed,

directly or indirectly by funds provided by the appropriate Government;

(*i*) "record" includes—

(*a*) any document, manuscript and file;

(*b*) any microfilm, microfiche and facsimile copy of a document;

(*c*) any reproduction of image or images embodied in such microfilm (whether enlarged or not); and

(*d*) any other material produced by a computer or any other device;

(*j*) "right to information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to—

(*i*) inspection of work, documents, records;

(*ii*) taking notes, extracts or certified copies of documents or records;

(*iii*) taking certified samples of material;

(*iv*) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;

(*k*) "State Information Commission" means the State Information Commission constituted under sub-section (*1*) of section 15;

(*l*) "State Chief Information Commissioner" and "State Information Commissioner" mean the State Chief Information Commissioner and the State Information Commissioner appointed under sub-section (*3*) of section 15;

(*m*) "State Public Information Officer" means the State Public Information Officer designated under sub-section (*1*) and includes a State Assistant Public Information Officer designated as such under sub-section (*2*) of section 5;

(*n*) "third party" means a person other than the citizen making a request for information and includes a public authority.

CHAPTER II

RIGHT TO INFORMATION AND OBLIGATIONS OF PUBLIC AUTHORITIES

3. *Right to information.* Subject to the provisions of this Act, all citizens shall have the right to information.

4. *Obligations of public authorities.* (*1*) Every public authority shall—

(*a*) maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure that all records that are appropriate to be computerised are, within a reasonable time and subject

to availability of resources, computerised and connected through a network all over the country on different systems so that access to such records is facilitated;

(*b*) publish within one hundred and twenty days from the enactment of this Act,—

(*i*) the particulars of its organisation, functions and duties;

(*ii*) the powers and duties of its officers and employees;

(*iii*) the procedure followed in the decision making process, including channels of supervision and accountability;

(*iv*) the norms set by it for the discharge of its functions;

(*v*) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;

(*vi*) a statement of the categories of documents that are held by it or under its control;

(*vii*) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;

(*viii*) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;

(*ix*) a directory of its officers and employees;

(*x*) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;

(*xi*) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;

(*xii*) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;

(*xiii*) Particulars of recipients of concessions, permits or authorisations granted by it;

(*xiv*) details in respect of the information, available to or held by it, reduced in an electronic form;

(*xv*) the particulars of facilities available to citizens for

obtaining information, including the working hours of a library or reading room, if maintained for public use;

(*xvi*) the names, designations and other particulars of the Public Information Officers;

(*xvii*) such other information as may be prescribed;

and thereafter update these publications every year;

(*c*) publish all relevant facts while formulating important policies or announcing the decisions which affect public;

(*d*) provide reasons for its administrative or quasi-judicial decisions to affected persons.

(*2*) It shall be a constant endeavour of very public authority to take steps in accordance with the requirements of clause (*b*) of sub-section (*1*) to provide as much information *suo motu* to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information.

(*3*) For the purposes of sub-section (*1*), every information shall be disseminated widely and in such form and manner which is easily accessible to the public.

(*4*) All materials shall be disseminated taking into consideration the cost effectiveness, local language and the most effective method of communication in that local area and the information should be easily accessible, to the extent possible in electronic format with the Central Public Information Officer or State Public Information Officer, as the case may be, available free or at such cost of the medium or the print cost price as may be prescribed.

Explanation.—For the purposes of sub-sections (*3*) and (*4*), "disseminated" means making known or communicated the information to the public through notice boards, newspapers, public announcements, media broadcasts, the internet or any other means, including inspection of offices of any public authority.

5. *Designations of Public Information Officers.* (*1*) Every public authority shall, within one hundred days of the enactment of this Act designate as many officers as the Central Public Information Officers or State Public Information Officers, as the case may be, in all administrative units or offices under it as may be necessary to provide information to persons requesting for the information under this Act.

(*2*) Without prejudice to the provisions of sub-section (*1*), every public authority shall designate an officer, within one hundred days of

the enactment of this Act, at each sub-divisional level or other sub-district level as a Central Assistant Public Information Officer or a State Assistant Public Information Officer, as the case may be, to receive the applications for information or appeals under this Act for forwarding the same forthwith to the Central Public Information Officer or the State Public Information Officer or senior officer specified under sub-section (*1*) of section 19 or the Central Information Commission or the State Information Commission, as the case may be:

Provided that where an application for information or appeal is given to a Central Assistant Public Information Officer or a State Assistant Public Information Officer, as the case may be, a period of five days shall be added in computing the period for response specified under sub-section (*1*) of section 7.

(*3*) Every Central Public Information Officer or State Public Information Officer, as the case may be, shall deal with requests from persons seeking information and render reasonable assistance to the persons seeking such information.

(*4*) The Central Public Information Officer or State Public Information Officer, as the case may be, may seek the assistance of any other officer as he or she considers it necessary for the proper discharge of his or her duties.

(*5*) Any officer, whose assistance has been sought under sub-section (*4*), shall render all assistance to the Central Public Information Officer or State Public Information Officer, as the case may be, seeking his or her assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be treated as a Central Public Information Officer or State Public Information Officer, as the case may be.

6. *Request for obtaining information.* (*1*) A person, who desires to obtain any information under this Act, shall make a request in writing or through electronic means in English or Hindi or in the official language of the area in which the application is being made, accompanying such fee as may be prescribed, to—

(*a*) the Central Public Information Officer or State Public Information Officer, as the case may be, of the concerned public authority;

(*b*) the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be,

specifying the particulars of the information sought by him or her:

Provided that where such request cannot be made in writing, the Central Public Information Officer or State Public Information Officer, as the case may be, shall render all reasonable assistance to the person making the request orally to reduce the same in writing.

(*2*) An applicant making request for information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him.

(*3*) Where an application is made to a public authority requesting for an information,—

(*i*) which is held by another public authority; or

(*ii*) the subject matter of which is more closely connected with the functions of another public authority,

the public authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer:

Provided that the transfer of an application pursuant to this sub-section shall be made as soon as practicable but in no case later than five days from the date of receipt of the application.

7. *Disposal of request.* (*1*) Subject to the proviso to sub-section (*2*) of section 5 or the proviso to sub-section (*3*) of section 6, the Central Public Information Officer or State Public Information Officer, as the case may be, on receipt of a request under section 6 shall, as expeditiously as possible, and in any case within thirty days of the receipt of the request, either provide the information on payment of such fee as may be prescribed or reject the request for any of the reasons specified in sections 8 and 9:

Provided that where the information sought for concerns the life or liberty of a person, the same shall be provided within forty-eight hours of the receipt of the request.

(*2*) If the Central Public Information Officer or State Public Information Officer, as the case may be, fails to give decision on the request for information within the period specified under sub-section (*1*), the Central Public Information Officer or State Public Information Officer, as the case may be, shall be deemed to have refused the request.

(*3*) Where a decision is taken to provide the information on payment of any further fee representing the cost of providing the information, the Central Public Information Officer or State Public Information Officer, as

the case may be, shall send an intimation to the person making the request, giving—

(*a*) the details of further fees representing the cost of providing the information as determined by him, together with the calculations made to arrive at the amount in accordance with fee prescribed under sub-section (*1*), requesting him to deposit that fees, and the period intervening between the despatch of the said intimation and payment of fees shall be excluded for the purpose of calculating the period of thirty days referred to in that sub-section;

(*b*) information concerning his or her right with respect to review the decision as to the amount of fees charged or the form of access provided, including the particulars of the appellate authority, time limit, process and any other forms.

(*4*) Where access to the record or a part thereof is required to be provided under this Act and the person to whom access is to be provided is sensorily disabled, the Central Public Information Officer or State Public Information Officer, as the case may be, shall provide assistance to enable access to the information, including providing such assistance as may be appropriate for the inspection.

(*5*) Where access to information is to be provided in the printed or in any electronic format, the applicant shall, subject to the provisions of sub-section (*6*), pay such fee as may be prescribed:

Provided that the fee prescribed under sub-section (*1*) of section 6 and sub-sections (*1*) and (*5*) of section 7 shall be reasonable and no such fee shall be charged from the persons who are of below poverty line as may be determined by the appropriate Government.

(*6*) Notwithstanding anything contained in sub-section (*5*), the person making request for the information shall be provided the information free of charge where a public authority fails to comply with the time limits specified in sub-section (*1*).

(*7*) Before taking any decision under sub-section (*1*), the Central Public Information Officer or State Public Information Officer, as the case may be, shall take into consideration the representation made by a third party under section 11.

(*8*) Where a request has been rejected under sub-section (*1*), the Central Public Information Officer or State Public Information Officer, as the case may be, shall communicate to the person making the request,—

(*i*) the reasons for such rejection;

(*ii*) the period within which an appeal against such rejection may be preferred; and

(*iii*) the particulars of the appellate authority.

(*9*) An information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question.

8. *Exemption from disclosure of information.* (*1*) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,—

(*a*) information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;

(*b*) information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;

(*c*) information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;

(*d*) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;

(*e*) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;

(*f*) information received in confidence from foreign Government;

(*g*) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;

(*h*) information which would impede the process of investigation or apprehension or prosecution of offenders;

(*i*) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers:

Provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the

decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over:

Provided further that those matters which come under the exemptions specified in this section shall not be disclosed;

(*j*) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:

Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.

(*2*) Notwithstanding anything in the Official Secrets Act, 1923 nor any of the exemptions permissible in accordance with sub-section (*1*), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.

(*3*) Subject to the provisions of clauses (*a*), (*c*) and (*i*) of sub-section (*1*), any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty years before the date on which any request is made under section 6 shall be provided to any person making a request under that section:

Provided that where any question arises as to the date from which the said period of twenty years has to be computed, the decision of the Central Government shall be final, subject to the usual appeals provided for in this Act.

9. *Grounds for rejection to access to certain cases.* Without prejudice to the provisions of section 8, a Central Public Information Officer or a State Public Information Officer, as the case may be, may reject a request for information where such a request for providing access would involve an infringement of copyright subsisting in a person other than the State.

10. *Severability.* (*1*) Where a request for access to information is rejected on the ground that it is in relation to information which is exempt from disclosure, then, notwithstanding anything contained in this Act, access may be provided to that part of the record which does not contain any information which is exempt from disclosure under this Act and which can reasonably be severed from any part that contains exempt information.

(*2*) Where access is granted to a part of the record under sub-section (*1*), the Central Public Information Officer or State Public Information Officer, as the case may be, shall give a notice to the applicant, informing—

(*a*) that only part of the record requested, after severance of the record containing information which is exempt from disclosure, is being provided;

(*b*) the reasons for the decision, including any findings on any material question of fact, referring to the material on which those findings were based;

(*c*) the name and designation of the person giving the decision;

(*d*) the details of the fees calculated by him or her and the amount of fee which the applicant is required to deposit; and

(*e*) his or her rights with respect to review of the decision regarding nondisclosure of part of the information, the amount of fee charged or the form of access provided, including the particulars of the senior officer specified under sub-section (*1*) of section 19 or the Central Information Commission or the State Information Commission, as the case may be, time limit, process and any other form of access.

11. *Third party information.* (*1*) Where a Central Public Information Officer or a State Public Information Officer, as the case may be, intends to disclose any information or record, or part thereof on a request made under this Act, which relates to or has been supplied by a third party and has been treated as confidential by that third party, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within five days from the receipt of the request, give a written notice to such third party of the request and of the fact that the Central Public Information Officer or State Public Information Officer, as the case may be, intends to disclose the information or record, or part thereof, and invite the third party to make a submission in writing or orally, regarding whether the information should be disclosed, and such submission of the third party shall be kept in view while taking a decision about disclosure of information:

Provided that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party.

(*2*) Where a notice is served by the Central Public Information Officer or State Public Information Officer, as the case may be, under sub-section (*1*) to a third party in respect of any information or record

or part thereof, the third party shall, within ten days from the date of receipt of such notice, be given the opportunity to make representation against the proposed disclosure.

(*3*) Notwithstanding anything contained in section 7, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within forty days after receipt of the request under section 6, if the third party has been given an opportunity to make representation under sub-section (*2*), make a decision as to whether or not to disclose the information or record or part thereof and give in writing the notice of his decision to the third party.

(*4*) A notice given under sub-section (*3*) shall include a statement that the third party to whom the notice is given is entitled to prefer an appeal under section 19 against the decision.

CHAPTER III

THE CENTRAL INFORMATION COMMISSION

12. *Constitution of Central Information Commission.* (*1*) The Central Government shall, by notification in the Official Gazette, constitute a body to be known as the Central Information Commission to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.

(*2*) The Central Information Commission shall consist of—

(*a*) the Chief Information Commissioner; and

(*b*) such number of Central Information Commissioners, not exceeding ten, as may be deemed necessary.

(*3*) The Chief Information Commissioner and Information Commissioners shall be appointed by the President on the recommendation of a committee consisting of—

(*i*) the Prime Minister, who shall be the Chairperson of the committee;

(*ii*) the Leader of Opposition in the Lok Sabha; and

(*iii*) a Union Cabinet Minister to be nominated by the Prime Minister.

Explanation.—For the purposes of removal of doubts, it is hereby declared that where the Leader of Opposition in the House of the People has not been recognised as such, the Leader of the single largest group in opposition of the Government in the House of the People shall be deemed to be the Leader of Opposition.

(*4*) The general superintendence, direction and management of the affairs of the Central Information Commission shall vest in the Chief Information Commissioner who shall be assisted by the Information Commissioners and may exercise all such powers and do all such acts and things which may be exercised or done by the Central Information Commission autonomously without being subjected to directions by any other authority under this Act.

(*5*) The Chief Information Commissioner and Information Commissioners shall be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance.

(*6*) The Chief Information Commissioner or an Information Commissioner shall not be a Member of Parliament or Member of the Legislature of any State or Union territory, as the case may be, or hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.

(*7*) The headquarters of the Central Information Commission shall be at Delhi and the Central Information Commission may, with the previous approval of the Central Government, establish offices at other places in India.

13. *Term of office and conditions of service.* (*1*) The Chief Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office and shall not be eligible for reappointment:

Provided that no Chief Information Commissioner shall hold office as such after he has attained the age of sixty-five years.

(*2*) Every Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office or till he attains the age of sixty-five years, whichever is earlier, and shall not be eligible for reappointment as such Information Commissioner:

Provided that every Information Commissioner shall, on vacating his office under this sub-section be eligible for appointment as the Chief Information Commissioner in the manner specified in sub-section (*3*) of section 12:

Provided further that where the Information Commissioner is appointed as the Chief Information Commissioner, his term of office shall not be more than five years in aggregate as the Information Commissioner and the Chief Information Commissioner.

(*3*) The Chief Information Commissioner or an Information Commissioner shall before he enters upon his office make and subscribe before the President or some other person appointed by him in that behalf, an oath or affirmation according to the form set out for the purpose in the First Schedule.

(*4*) The Chief Information Commissioner or an Information Commissioner may, at any time, by writing under his hand addressed to the President, resign from his office:

Provided that the Chief Information Commissioner or an Information Commissioner may be removed in the manner specified under section 14.

(*5*) The salaries and allowances payable to and other terms and conditions of service of—

(*a*) the Chief Information Commissioner shall be the same as that of the Chief Election Commissioner;

(*b*) an Information Commissioner shall be the same as that of an Election Commissioner:

Provided that if the Chief Information Commissioner or an Information Commissioner, at the time of his appointment is, in receipt of a pension, other than a disability or wound pension, in respect of any previous service under the Government of India or under the Government of a State, his salary in respect of the service as the Chief Information Commissioner or an Information Commissioner shall be reduced by the amount of that pension including any portion of pension which was commuted and pension equivalent of other forms of retirement benefits excluding pension equivalent of retirement gratuity:

Provided further that if the Chief Information Commissioner, or an Information Commissioner if, at the time of his appointment is, in receipt of retirement benefits in respect of any previous service rendered in a Corporation established by or under any Central Act or State Act or a Government company owned or controlled by the Central Government or the State Government, his salary in respect of the service as the Chief Information Commissioner or an Information Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits:

Provided also that the salaries, allowances and other conditions of service of the Chief Information Commissioner and the Information Commissioners shall not be varied to their disadvantage after their appointment.

(*6*) The Central Government shall provide the Chief Information Commissioner and the Information Commissioners with such officers and employees as may be necessary for the efficient performance of their functions under this Act, and the salaries and allowances payable to and the terms and conditions of service of the officers and other employees appointed for the purpose of this Act shall be such as may be prescribed.

14. *Removal of Chief Information Commissioner or Information Commissioner.* (*1*) Subject to the provisions of sub-section (*3*), the Chief Information Commissioner or any Information Commissioner shall be removed from his office only by order of the President on the ground of proved misbehaviour or incapacity after the Supreme Court, on a reference made to it by the President, has, on inquiry, reported that the Chief Information Commissioner or any Information Commissioner, as the case may be, ought on such ground be removed.

(*2*) The President may suspend from office, and if deem necessary prohibit also from attending the office during inquiry, the Chief Information Commissioner or Information Commissioner in respect of whom a reference has been made to the Supreme Court under sub-section (*1*) until the President has passed orders on receipt of the report of the Supreme Court on such reference.

(*3*) Notwithstanding anything contained in sub-section (*1*), the President may by order remove from office the Chief Information Commissioner or any Information Commissioner if the Chief Information Commissioner or a Information Commissioner, as the case may be,

(*a*) is adjudged an insolvent; or

(*b*) has been convicted of an offence which, in the opinion of the President, involves moral turpitude; or

(*c*) engages during his term of office in any paid employment outside the duties of his office; or

(*d*) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body; or

(*e*) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chief Information Commissioner or a Information Commissioner.

(*4*) If the Chief Information Commissioner or a Information Commissioner in any way, concerned or interested in any contract or agreement made by or on behalf of the Government of India or participates in any way in the profit thereof or in any benefit or emolument arising therefrom otherwise than as a member and in

common with the other members of an incorporated company, he shall, for the purposes of sub-section (*1*), be deemed to be guilty of misbehaviour.

CHAPTER IV

THE STATE INFORMATION COMMISSION

15. *Constitution of State Information Commission.* (*1*) Every State Government shall, by notification in the Official Gazette, constitute a body to be known as the ..... (name of the State) Information Commission to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.

(*2*) The State Information Commission shall consist of—

(*a*) the State Chief Information Commissioner, and

(*b*) such number of State Information Commissioners, not exceeding ten, as may be deemed necessary.

(*3*) The State Chief Information Commissioner and the State Information Commissioners shall be appointed by the Governor on the recommendation of a committee consisting of—

(*i*) the Chief Minister, who shall be the Chairperson of the committee;

(*ii*) the Leader of Opposition in the Legislative Assembly; and

(*iii*) a Cabinet Ministrer to be nominated by the Chief Minister.

Explanation.—For the purposes of removal of doubts, it is hereby declared that where the Leader of Opposition in the Legislative Assembly has not been recognised as such, the Leader of the single largest group in opposition of the Government in the Legislative Assembly shall be deemed to be the Leader of Opposition.

(*4*) The general superintendence, direction and management of the affairs of the State Information Commission shall vest in the State Chief Information Commissioner who shall be assisted by the State Information Commissioners and may exercise all such powers and do all such acts and things which may be exercised or done by the State Information Commission autonomously without being subjected to directions by any other authority under this Act.

(*5*) The State Chief Information Commissioner and the State Information Commissioners shall be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance.

(*6*) The State Chief Information Commissioner or a State Information Commissioner shall not be a Member of Parliament or Member of the Legislature of any State or Union territory, as the case may be, or hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.

(*7*) The headquarters of the State Information Commission shall be at such place in the State as the State Government may, by notification in the Official Gazette, specify and the State Information Commission may, with the previous approval of the State Government, establish offices at other places in the State.

16. *Term of office and conditions of service.* (*1*) The State Chief Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office and shall not be eligible for reappointment:

Provided that no State Chief Information Commissioner shall hold office as such after he has attained the age of sixty-five years.

(*2*) Every State Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office or till he attains the age of sixty-five years, whichever is earlier, and shall not be eligible for reappointment as such State Information Commissioner:

Provided that every State Information Commissioner shall, on vacating his office under this sub-section, be eligible for appointment as the State Chief Information Commissioner in the manner specified in sub-section (*3*) of section 15:

Provided further that where the State Information Commissioner is appointed as the State Chief Information Commissioner, his term of office shall not be more than five years in aggregate as the State Information Commissioner and the State Chief Information Commissioner.

(*3*) The State Chief Information Commissioner or a State Information Commissioner, shall before he enters upon his office make and subscribe before the Governor or some other person appointed by him in that behalf, an oath or affirmation according to the form set out for the purpose in the First Schedule.

(*4*) The State Chief Information Commissioner or a State Information Commissioner may, at any time, by writing under his hand addressed to the Governor, resign from his office:

Provided that the State Chief Information Commissioner or a State Information Commissioner may be removed in the manner specified under section 17.

(*5*) The salaries and allowances payable to and other terms and conditions of service of–

(*a*) the State Chief Information Commissioner shall be the same as that of an Election Commissioner;

(*b*) the State Information Commissioner shall be the same as that of the Chief Secretary to the State Government:

Provided that if the State Chief Information Commissioner or a State Information Commissioner, at the time of his appointment is, in receipt of a pension, other than a disability or wound pension, in respect of any previous service under the Government of India or under the Government of a State, his salary in respect of the service as the State Chief Information Commissioner or a State Information Commissioner shall be reduced by the amount of that pension including any portion of pension which was commuted and pension equivalent of other forms of retirement benefits excluding pension equivalent of retirement gratuity:

Provided further that where the State Chief Information Commissioner or a State Information Commissioner if, at the time of his appointment is, in receipt of retirement benefits in respect of any previous service rendered in a Corporation established by or under any Central Act or State Act or a Government company owned or controlled by the Central Government or the State Government, his salary in respect of the service as the State Chief Information Commissioner or the State Information Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits:

Provided also that the salaries, allowances and other conditions of service of the State Chief Information Commissioner and the State Information Commissioners shall not be varied to their disadvantage after their appointment.

(*6*) The State Government shall provide the State Chief Information Commissioner and the State Information Commissioners with such officers and employees as may be necessary for the efficient performance of their functions under this Act, and the salaries and allowances payable to and the terms and conditions of service of the officers and other employees appointed for the purpose of this Act shall be such as may be prescribed.

17. *Removal of State Chief Information Commissioner or State Information Commissioner.* (*1*) Subject to the provisions of sub-section (*3*), the State Chief Information Commissioner or a State Information Commissioner shall be removed from his office only by order of the Governor on the ground of proved misbehaviour or incapacity after the Supreme Court, on a reference made to it by the Governor, has on inquiry, reported that the State Chief Information Commissioner or a State Information Commissioner, as the case may be, ought on such ground be removed.

(*2*) The Governor may suspend from office, and if deem necessary prohibit also from attending the office during inquiry, the State Chief Information Commissioner or a State Information Commissioner in respect of whom a reference has been made to the Supreme Court under sub-section (*1*) until the Governor has passed orders on receipt of the report of the Supreme Court on such reference.

(*3*) Notwithstanding anything contained in sub-section (*1*), the Governor may by order remove from office the State Chief Information Commissioner or a State Information Commissioner if a State Chief Information Commissioner or a State Information Commissioner, as the case may be,—

(*a*) is adjudged an insolvent; or

(*b*) has been convicted of an offence which, in the opinion of the Governor, involves moral turpitude; or

(*c*) engages during his term of office in any paid employment outside the duties of his office; or

(*d*) is, in the opinion of the Governor, unfit to continue in office by reason of infirmity of mind or body; or

(*e*) has acquired such financial or other interest as is likely to affect prejudicially his functions as the State Chief Information Commissioner or a State Information Commissioner.

(*4*) If the State Chief Information Commissioner or a State Information Commissioner in any way, concerned or interested in any contract or agreement made by or on behalf of the Government of the State or participates in any way in the profit thereof or in any benefit or emoluments arising therefrom otherwise than as a member and in common with the other members of an incorporated company, he shall, for the purposes of sub-section (*1*), be deemed to be guilty of misbehaviour.

CHAPTER V

Powers and Functions of the Information Commissions, Appeal and Penalties

18. *Powers and functions of Information Commissions.* (*1*) Subject to the provisions of this Act, it shall be the duty of the Central Information Commission or State Information Commission, as the case may be, to receive and inquire into a compliant from any person,—

(*a*) who has been unable to submit a request to a Central Public Information Officer or State Public Information Officer, as the case may be, either by reason that no such officer has been appointed under this Act, or because the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be, has refused to accept his or her application for information or appeal under this Act for forwarding the same to the Central Public Information Officer or State Public Information Officer or senior officer specified in sub-section (*1*) of section 19 or the Central Information Commission or the State Information Commission, as the case may be;

(*b*) who has been refused access to any information requested under this Act;

(*c*) who has not been given a response to a request for information or access to information within the time limit specified under this Act;

(*d*) who has been required to pay an amount of fee which he or she considers unreasonable;

(*e*) who believes that he or she has been given incomplete, misleading or false information under this Act; and

(*f*) in respect of any other matter relating to requesting or obtaining access to records under this Act.

(*2*) Where the Central Information Commission or State Information Commission, as the case may be, is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry in respect thereof.

(*3*) The Central Information Commission or State Information Commission, as the case may be, shall, while inquiring into any matter under this section, have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

(*a*) summoning and enforcing the attendance of persons and

compel them to give oral or written evidence on oath and to produce the documents or things;

(*b*) requiring the discovery and inspection of documents;

(*c*) receiving evidence on affidavit;

(*d*) requisitioning any public record or copies thereof from any court or office;

(*e*) issuing summons for examination of witnesses or documents; and

(*f*) any other matter which may be prescribed.

(*4*) Notwithstanding anything inconsistent contained in any other Act of Parliament or State Legislature, as the case may be, the Central Information Commission or the State Information Commission, as the case may be, may, during the inquiry of any complaint under this Act, examine any record to which this Act applies which is under the control of the public authority, and no such record may be withheld from it on any grounds.

19. *Appeal.* (*1*) Any person who, does not receive a decision within the time specified in sub-section (*1*) or clause (*a*) of sub-section (*3*) of section 7, or is aggrieved by a decision of the Central Public Information Officer or State Public Information Officer, as the case may be, may within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to such officer who is senior in rank to the Central Public Information Officer or State Public Information Officer as the case may be, in each public authority:

Provided that such officer may admit the appeal after the expiry of the period of thirty days if he or she is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(*2*) Where an appeal is preferred against an order made by a Central Public Information Officer or a State Public Information Officer, as the case may be, under section 11 to disclose third party information, the appeal by the concerned third party shall be made within thirty days from the date of the order.

(*3*) A second appeal against the decision under sub-section (*1*) shall lie within ninety days from the date on which the decision should have been made or was actually received, with the Central Information Commission or the State Information Commission:

Provided that the Central Information Commission or the State Information Commission, as the case may be, may admit the appeal after the expiry of the period of ninety days if it is satisfied that the

appellant was prevented by sufficient cause from filing the appeal in time.

(*4*) If the decision of the Central Public Information Officer or State Public Information Officer, as the case may be, against which an appeal is preferred relates to information of a third party, the Central Information Commission or State Information Commission, as the case may be, shall give a reasonable opportunity of being heard to that third party.

(*5*) In any appeal proceedings, the onus to prove that a denial of a request was justified shall be on the Central Public Information Officer or State Public Information Officer, as the case may be, who denied the request.

(*6*) An appeal under sub-section (*1*) or sub-section (*2*) shall be disposed of within thirty days of the receipt of the appeal or within such extended period not exceeding a total of forty-five days from the date of filing thereof, as the case may be, for reasons to be recorded in writing.

(*7*) The decision of the Central Information Commission or State Information Commission, as the case may be, shall be binding.

(*8*) In its decision, the Central Information Commission or State Information Commission, as the case may be, has the power to—

(*a*) require the public authority to take any such steps as may be necessary to secure compliance with the provisions of this Act, including—

(*i*) by providing access to information, if so requested, in a particular form;

(*ii*) by appointing a Central Public Information Officer or State Public Information Officer, as the case may be;

(*iii*) by publishing certain information or categories of information;

(*iv*) by making necessary changes to its practices in relation to the maintenance, management and destruction of records;

(*v*) by enhancing the provision of training on the right to information for its officials;

(*vi*) by providing it with an annual report in compliance with cause (*b*) of sub-section (*1*) of section 4;

(*b*) require the public authority to compensate the complainant for any loss or other detriment suffered;

(*c*) impose any of the penalties provided under this Act;

(*d*) reject the application.

(*9*) The Central Information Commission or State Information Commission, as the case may be, shall give notice of its decision, including any right of appeal, to the complainant and the public authority.

(*10*) The Central Information Commission or State Information Commission, as the case may be, shall decide the appeal in accordance with such procedure as may be prescribed.

20. *Penalties.* (*1*) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (*1*) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees:

Provided that the Central Public Information Officer or the State Public Information Officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him:

Provided further that the burden of proving that he acted reasonably and diligently shall be on the Central Public Information Officer or the State Public Information Officer, as the case may be.

(*2*) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time specified under sub-section (*1*) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing

the information, it shall recommend for disciplinary action against the Central Public Information Officer or the State Public Information Officer, as the case may be, under the service rules applicable to him.

CHAPTER VI

MISCELLANEOUS

21. *Protection of action taken in good faith.* No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.

22. *Act to have overriding effect.* The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

23. *Bar of jurisdiction of courts.* No court shall entertain any suit, application or other proceeding in respect of any order made under this Act and no such order shall be called in question otherwise than by way of an appeal under this Act.

24. *Act not to apply to certain organisations.* (*1*) Nothing contained in this Act shall apply to the intelligence and security organisations specified in the Second Schedule, being organisations established by the Central Government or any information furnished by such organisations to that Government:

Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section:

Provided further that in the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the Central Information Commission, and notwithstanding anything contained in section 7, such information shall be provided within forty-five days from the date of the receipt of request.

(*2*) The Central Government may, by notification in the Official Gazette, amend the Schedule by including therein any other intelligence or security organisation established by that Government or omitting therefrom any organisation already specified therein and on the publication of such notification, such organisation shall be deemed to be included in or, as the case may be, omitted from the Schedule.

(*3*) Every notification issued under sub-section (*2*) shall be laid before each House of Parliament.

(*4*) Nothing contained in this Act shall apply to such intelligence and security organisation being organisations established by the State Government, as that Government may, from time to time, by notification in the Official Gazette, specify:

Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section:

Provided further that in the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the State Information Commission and, notwithstanding anything contained in section 7, such information shall be provided within forty-five days from the date of the receipt of request.

(*5*) Every notification issued under sub-section (*4*) shall be laid before the State Legislature.

25. *Monitoring and reporting.* (*1*) The Central Information Commission or State Information Commission, as the case may be, shall, as soon as practicable after the end of each year, prepare a report on the implementation of the provisions of this Act during that year and forward a copy thereof to the appropriate Government.

(*2*) Each Ministry or Department shall, in relation to the public authorities within their jurisdiction, collect and provide such information to the Central Information Commission or State Information Commission, as the case may be, as is required to prepare the report under this section and comply with the requirements concerning the furnishing of that information and keeping of records for the purposes of this section.

(*3*) Each report shall state in respect of the year to which the report relates,—

(*a*) the number of requests made to each public authority;

(*b*) the number of decisions where applicants were not entitled to access to the documents pursuant to the requests, the provisions of this Act under which these decisions were made and the number of times such provisions were invoked;

(*c*) the number of appeals referred to the Central Information Commission or State Information Commission, as the case may be, for review, the nature of the appeals and the outcome of the appeals;

(*d*) particulars of any disciplinary action taken against any officer in respect of the administration of this Act;

(*e*) the amount of charges collected by each public authority under this Act;

(*f*) any facts which indicate an effort by the public authorities to administer and implement the spirit and intention of this Act;

(*g*) recommendations for reform, including recommendations in respect of the particular public authorities, for the development, improvement, modernisation, reform or amendment to this Act or other legislation or common law or any other matter relevant for operationalising the right to access information.

(*4*) The Central Government or the State Government, as the case may be, may, as soon as practicable after the end of each year, cause a copy of the report of the Central Information Commission or the State Information Commission, as the case may be, referred to in sub-section (*1*) to be laid before each House of Parliament or, as the case may be, before each House of the State Legislature, where there are two Houses, and where there is one House of the State Legislature before that House.

(*5*) If it appears to the Central Information Commission or State Information Commission, as the case may be, that the practice of a public authority in relation to the exercise of its functions under this Act does not conform with the provisions or spirit of this Act, it may give to the authority a recommendation specifying the steps which ought in its opinion to be taken for promoting such conformity.

26. *Appropriate Government to prepare programmes.* (*1*) The appropriate Government may, to the extent of availability of financial and other resources,—

(*a*) develop and organise educational programmes to advance the understanding of the public, in particular of disadvantaged communities as to how to exercise the rights contemplated under this Act;

(*b*) encourage public authorities to participate in the development and organisation of programmes referred to in clause (*a*) and to undertake such programmes themselves;

(*c*) promote timely and effective dissemination of accurate information by public authorities about their activities; and

(*d*) train Central Public Information Officers or State Public Information Officers, as the case may be, of public authorities and produce relevant training materials for use by the public authorities themselves.

(*2*) The appropriate Government shall, within eighteen months from the commencement of this Act, compile in its official language a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right specified in this Act.

(*3*) The appropriate Government shall, if necessary, update and publish the guidelines referred to in sub-section (*2*) at regular intervals which shall, in particular and without prejudice to the generality of sub-section (*2*), include—

(*a*) the objects of this Act;

(*b*) the postal and street address, the phone and fax number and, if available, electronic mail address of the Central Public Information or State Public Information Officer, as the case may be, of every public authority appointed under sub-section (*1*) of section 5;

(*c*) the manner and the form in which request for access to an information shall be made to a Central Public Information Officer or State Public Information Officer, as the case may be;

(*d*) the assistance available from and the duties of the Central Public Information Officer or State Public Information Officer, as the case may be, of a public authority under this Act;

(*e*) the assistance available from the Central Information Commission or State Information Commission, as the case may be;

(*f*) all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by this Act including the manner of filing an appeal to the Commission;

(*g*) the provisions providing for the voluntary disclosure of categories of records in accordance with section 4;

(*h*) the notices regarding fees to be paid in relation to requests for access to an information; and

(*i*) any additional regulations or circulars made or issued in relation to obtaining access to an information in accordance with this Act.

(*4*) The appropriate Government must, if necessary, update and publish the guidelines at regular intervals.

27. *Power to make rules by appropriate Government.* (*1*) The appropriate Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the cost of the medium or print cost price of the materials to be disseminated under sub-section (*4*) of section 4;

(*b*) the fee payable under sub-section (*1*) of section 6;

(*c*) the fee payable under sub-sections (*1*) and (*5*) of section 7;

(*d*) the salaries and allowances payable to and the terms and conditions of service of the officers and other employees under sub-section (*6*) of section 13 and sub-section (*6*) of section 16;

(*e*) the procedure to be adopted by the Central Information Commission or State Information Commission, as the case may be, in deciding the appeals under sub-section (*10*) of section 19; and

(*f*) any other matter which is required to be, or may be, prescribed.

28. *Power to make rules by competent authority.* (*1*) The competent authority may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*i*) the cost of the medium or print cost price of the materials to be disseminated under sub-section (*4*) of section 4;

(*ii*) the fee payable under sub-section (*1*) of section 6;

(*iii*) the fee payable under sub-section (*1*) of section 7; and

(*iv*) any other matter which is required to be, or may be, prescribed.

29. *Laying of rules.* (*1*) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(*2*) Every rule made under this Act by a Statement Government shall be laid, as soon as may be after it is notified, before the State Legislature.

30. *Power to remove difficulties.* (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in this Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removal of the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of the commencement of this Act.

(*2*) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

31. *Repeal.* The Freedom of Information Act, 2002 is hereby repealed.

THE FIRST SCHEDULE
[*See* sections 13 (*3*) and 16(*3*)]

FORM OF OATH OR AFFIRMATION TO BE MADE BY THE CHIEF INFORMATION COMMISSIONER/THE INFORMATION COMMISSIONER/THE STATE CHIEF INFORMATION COMMISSIONER/THE STATE INFORMATION COMMISSIONER

"I,....., having been appointed Chief Information Commissioner/ Information Commissioner/State Chief Information Commissioner/ State Information Commissioner swear in the name of God / solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws.".

THE SECOND SCHEDULE
(*See* section 24)

INTELLIGENCE AND SECURITY ORGANISATION ESTABLISHED BY THE CENTRAL GOVERNMENT

1. Intelligence Bureau.
2. Research and Analysis Wing of the Cabinet Secretariat.
3. Directorate of Revenue Intelligence.
4. Central Economic Intelligence Bureau.
5. Directorate of Enforcement.

6. Narcotics Control Bureau.

7. Aviation Research Centre.

8. Special Frontier Force.

9. Border Security Force.

10. Central Reserve Police Force.

11. Indo-Tibetan Border Police.

12. Central Industrial Security Force.

13. National Security Guards.

14. Assam Rifles.

15. Special Service Bureau

16. Special Branch (CID), Andaman and Nicobar.

17. The Crime Branch-C.I.D.-CB, Dadra and Nagar Haveli.

18. Special Branch, Lakshadweep Police.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) ACT, 2005

An Act further to amend the Code of Criminal Procedure, 1973.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. *Short title and commencement.* (*1*) This Act may be called the Code of Criminal Procedure (Amendment) Act, 2005.

(*2*) Save as otherwise provided in this Act, it shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 20.* In section 20 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the principal Act), after sub-section (*4*), the foliowing sub-section shall be inserted, namely:—

> "(*4A*) The State Government may, by general or special order and subject to such control and directions as it may deem fit to impose, delegate its powers under sub-section (*4*) to the District Magistrate.".

3. *Amendment of section 24.* In section 24 of the principal Act, in sub-section (*6*), after the proviso, the following *Explanation* shall be inserted and shall be deemed to have been inserted with effect from the 18th day of December, 1978, namely:—

'Explanation.—For the purposes of this sub-section,—

(*a*) "regular Cadre of Prosecuting Officers" means a Cadre of Prosecuting Officers which includes therein the post of a Public Prosecutor, by whatever name called, and which provides for promotion of Assistant Public Prosecutors, by whatever name called, to that post;

(*b*) "Prosecuting Officer" means a person, by whatever name called, appointed to perform the functions of a Public Prosecutor, an Additional Public Prosecutor or an Assistant Public Prosecutor under this Code.'.

4. *Insertion of new section 25A.* In Chapter II of the principal Act, after section 25, the following section shall be inserted, namely:—

"25A. *Directorate of Prosecution.* (*1*) The State Government may establish a Directorate of Prosecution consisting of a Director of Prosecution and as many Deputy Directors of Prosecution as it thinks fit.

(*2*) A person shall be eligible to be appointed as a Director of Prosecution or a Deputy Director of Prosecution, only if he has been in practice as an advocate for not less than ten years and such appointment shall be made with the concurrence of the Chief Justice of the High Court.

(*3*) The Head of the Directorate of Prosecution shall be the Director of Prosecution, who shall function under the administrative control of the Head of the Home Department in the State.

(*4*) Every Deputy Director of Prosecution shall be subordinate to the Director of Prosecution.

(*5*) Every Public Prosecutor, Additional Public Prosecutor and Special Public Prosecutor appointed by the State Government under sub-section (*1*), or as the case may be, sub-section (*8*), of section 24 to conduct cases in the High Court shall be subordinate to the Director of Prosecution.

(*6*) Every Public Prosecutor, Additional Public Prosecutor and Special Public Prosecutor appointed by the State Government under sub-section (*3*), or as the case may be, sub-section (*8*), of section 24 to conduct cases in District Courts and every Assistant Public Prosecutor appointed under sub-section (*1*) of section 25 shall be subordinate to the Deputy Director of Prosecution.

(*7*) The powers and functions of the Director of Prosecution and the Deputy Directors of Prosecution and the areas for which

each of the Deputy Directors of Prosecution have been appointed shall be such as the State Government may, by notification, specify.

(*8*) The provisions of this section shall not apply to the Advocate General for the State while performing the functions of a Public Prosecutor.".

5. *Amendment of section 29.* In section 29 of the principal Act,—

(*a*) in sub-section (*2*), for the words "five thousand rupees", the words "ten thousand rupees" shall be substituted;

(*b*) in sub-section (*3*), for the words "one thousand rupees", the words "five thousand rupees" shall be substituted.

6. *Amendment of section 46.* In section 46 of the principal Act, after sub-section (*3*), the following sub-section shall be inserted, namely:—

"(*4*) Save in exceptional circumstances, no woman shall be arrested after sunset and before sunrise, and where such exceptional circumstances exist, the woman police officer shall, by making a written report, obtain the prior permission of the Judicial Magistrate of the first class within whose local jurisdiction the offence is committed or the arrest is to be made.".

7. *Insertion of new section 50A.* After section 50 of the principal Act, the following section shall be inserted, namely:—

"50A. *Obligation of person making arrest to inform about the arrest, etc., to a nominated person.* (*1*) Every police officer or other person making any arrest under this Code shall forthwith give the information regarding such arrest and place where the arrested person is being held to any of his friends, relatives or such other persons as may be disclosed or nominated by the arrested person for the purpose of giving such information.

(*2*) The police officer shall inform the arrested person of his rights under sub-section (*1*) as soon as he is brought to the police station.

(*3*) An entry of the fact as to who has been informed of the arrest of such person shall be made in a book to be kept in the police station in such form as may be prescribed in this behalf by the State Government.

(*4*) It shall be the duty of the Magistrate before whom such arrested person is produced, to satisfy himself that the requirements of sub-section (*2*) and sub-section (*3*) have been complied with in respect of such arrested person.".

8. *Amendment of section 53.* In section 53 of the principal Act, for the *Explanation,* the following *Explanation* shall be substituted, namely:—

'*Explanation.*—In this section and in sections 53A and 54,—

(*a*) "examination" shall include the examination of blood, blood stains, semen, swabs in case of sexual offences, sputum and sweat, hair samples and finger nail clippings by the use of modern and scientific techniques including DNA profiling and such other tests which the registered medical practitioner thinks necessary in a particular case;

(*b*) "registered medical practitioner" means a medical practitioner who possesses any medical qualification as defined in clause (*h*) of section 2 of the Indian Medical Council Act, 1956 and whose name has been entered in a State Medical Register.'.

9. *Insertion of new section 53A.* After section 53 of the principal Act, the following section shall be inserted, namely:—

"53A. *Examination of person accused of rape by medical practitioner.* (*1*) When a person is arrested on a charge of committing an offence of rape or an attempt to commit rape and there are reasonable grounds for believing that an examination of his person will afford evidence as to the commission of such offence, it shall be lawful for a registered medical practitioner employed in a hospital run by the Government or by a local authority and in the absence of such a practitioner within the radius of sixteen kilometres from the place where the offence has been committed, by any other registered medical practitioner, acting at the request of a police officer not below the rank of a sub-inspector, and for any person acting in good faith in his aid and under his direction, to make such an examination of the arrested person and to use such force as is reasonably necessary for that purpose.

(*2*) The registered medical practitioner conducting such examination shall, without delay, examine such person and prepare a report of his examination giving the following particulars, namely:—

(*i*) the name and address of the accused and of the person by whom he was brought,

(*ii*) the age of the accused,

(*iii*) marks of injury, if any, on the person of the accused,

(*iv*) the description of material taken from the person of the accused for DNA profiling, and

(*v*) other material particulars in reasonable detail.

(*3*) The report shall state precisely the reasons for each conclusion arrived at.

(*4*) The exact time of commencement and completion of the examination shall also be noted in the report.

(*5*) The registered medical practitioner shall, without delay, forward the report to the investigating officer, who shall forward it to the Magistrate referred to in section 173 as part of the documents referred to in clause (*a*) of sub-section (*5*) of that section.".

10. *Amendment of section 54.* Section 54 of the principal Act shall be renumbered as sub-section (*1*) thereof, and after sub-section (*1*) as so renumbered the following sub-section shall be inserted, namely:—

"(*2*) Where an examination is made under sub-section (*1*), a copy of the report of such examination shall be furnished by the registered medical practitioner to the arrested person or the person nominated by such arrested person.".

11. *Insertion of new section 54A.* After section 54 of the principal Act, the following section shall be inserted, namely:—

"54A. *Identification of person arrested.* Where a person is arrested on a charge of committing an offence and his identification by any other person or persons is considered necessary for the purpose of investigation of such offence, the Court, having jurisdiction may, on the request of the officer in charge of a police station, direct the person so arrested to subject himself to identification by any person or persons in such manner as the Court may deem fit.".

12. *Amendment of section 82.* In section 82 of the principal Act, after sub-section (*3*), the following sub-sections shall be inserted, namely:—

"(*4*) Where a proclamation published under sub-section (*1*) is in respect of a person accused of an offence punishable under section 302, 304, 364, 367, 382, 392, 393, 394, 395, 396, 397, 398, 399, 400, 402, 436, 449, 459 or 460 of the Indian Penal Code, and such person fails to appear at the specified place and time required by the proclamation, the Court may, after making such inquiry as it thinks fit, pronounce him a proclaimed offender and make a declaration to that effect.

(*5*) The provisions of sub-sections (*2*) and (*3*) shall apply to a declaration made by the Court under sub-section (*4*) as they apply to the proclamation published under sub-section (*1*).".

13. *Amendment of section 102.* In section 102 of the principal Act,—

(*a*) in sub-section (*3*), after the words "transported to the Court", the words "or where there is difficulty in securing proper accommodation for the custody of such property, or where the continued retention of the property in police custody may not be considered necessary for the purpose of investigation" shall be inserted;

(*b*) after sub-section (*3*), the following proviso shall be added at the end, namely:—

"Provided that where the property seized under sub-section (*1*) is subject to speedy and natural decay and if the person entitled to the possession of such property is unknown or absent and the value of such property is less than five hundred rupees, it may forthwith be sold by auction under the orders of the Superintendent of Police and the provisions of sections 457 and 458 shall, as nearly as may be practicable, apply to the net proceeds of such sale.".

14. *Amendment of section 110.* In section 110 of the principal Act, in clause (*f*), in sub-clause (*i*),—

(*i*) in item (*g*), the word "or" shall be omitted;

(*ii*) after item (*g*), the following item shall be inserted, namely:—

"(*h*) the Foreigners Act, 1946; or".

15. *Amendment of section 122.* In section 122 of the principal Act, in sub-section (*1*), in clause (*b*), for the words "bond without sureties", the words "bond, with or without sureties," shall be substituted.

16. *Insertion of new section 144A.* In Chapter X of the principal Act, under sub-heading *"C.–Urgent cases of nuisance or apprehended danger"*, after section 144, the following section shall be inserted, namely:–

'144A. *Power to prohibit carrying arms in procession or mass drill or mass training with arms.* (*1*) The District Magistrate may, whenever he considers it necessary so to do for the preservation of public peace or public safety or for the maintenance of public order, by public notice or by order, prohibit in any area within the local limits of his jurisdiction, the carrying of arms in any procession or the organising or holding of, or taking part in, any mass drill or mass training with arms in any public place.

(*2*) A public notice issued or an order made under this section may be directed to a particular person or to persons belonging to any community, party or organisation.

(*3*) No public notice issued or an order made under this section shall remain in force for more than three months from the date on which it is issued or made.

(*4*) The State Government may, if it considers necessary so to do for the preservation of public peace or public safety or for the maintenance of public order, by notification, direct that a public notice issued or order made by the District Magistrate under this section shall remain in force for such further period not exceeding six months from the date on which such public notice or order was issued or made by the District Magistrate would have, but for such direction, expired, as it may specify in the said notification.

(*5*) The State Government may, subject to such control and directions as it may deem fit to impose, by general or special order, delegate its powers under sub-section (*4*) to the District Magistrate.

Explanation.—The word "arms" shall have the meaning assigned to it in section 153AA of the Indian Penal Code.'.

17. *Insertion of new section 164A.* After section 164 of the principal Act, the following section shall be inserted, namely:—

'164A. *Medical examination of the victim of rape.* (*1*) Where, during the stage when an offence of committing rape or attempt to commit rape is under investigation, it is proposed to get the person of the woman with whom rape is alleged or attempted to have been committed or attempted, examined by a medical expert, such examination shall be conducted by a registered medical practitioner employed in a hospital run by the Government or a local authority and in the absence of such a practitioner, by any other registered medical practitioner, with the consent of such woman or of a person competent to give such consent on her behalf and such woman shall be sent to such registered medical practitioner within twenty-four hours from the time of receiving the information relating to the commission of such offence.

(*2*) The registered medical practitioner, to whom such woman is sent, shall, without delay, examine her person and prepare a report of his examination giving the following particulars, namely:—

(*i*) the name and address of the woman and of the person by whom she was brought;

(*ii*) the age of the woman;

(*iii*) the description of material taken from the person of the woman for DNA profiling;

(*iv*) marks of injury, if any, on the person of the woman:

(*v*) general mental condition of the woman; and

(*vi*) other material particulars in reasonable detail.

(*3*) The report shall state precisely the reasons for each conclusion arrived at.

(*4*) The report shall specifically record that the consent of the woman or of the person competent to give such consent on her behalf to such examination had been obtained.

(*5*) The exact time of commencement and completion of the examination shall also be noted in the report.

(*6*) The registered medical practitioner shall, without delay forward the report to the investigating officer who shall forward it to the Magistrate referred to in section 173 as part of the documents referred to in clause (*a*) of sub-section (*5*) of that section.

(*7*) Nothing in this section shall be construed as rendering lawful any examination without the consent of the woman or of any person competent to give such consent on her behalf.

Explanation,—For the purposes of this section, "examination" and "registered medical practitioner" shall have the same meanings as in section 53.'.

18. *Amendment of section 176.* In section 176 of the principal Act,—

(*i*) in sub-section (*1*), the words "where any person dies while in the custody of the police or" shall be omitted;

(*ii*) after sub-section (*1*), the following sub-section shall be inserted, namely:—

"(*1A*) Where,—

(*a*) any person dies or disappears, or

(*b*) rape is alleged to have been committed on any woman,

while such person or woman is in the custody of the police or in any other custody authorised by the Magistrate or the Court, under this Code, in addition to the inquiry or investigation held by the police, an inquiry shall be held by the Judicial Magistrate or the Metropolitan Magistrate, as the case may be, within whose local jurisdiction the offence has been committed.";

(*iii*) after sub-section (*4*), before the *Explanation,* the following sub-section shall be inserted, namely:—

"(*5*) The Judicial Magistrate or the Metropolitan Magistrate or Executive Magistrate or police officer holding an inquiry or investigation, as the case may be, under sub-section (*1A*) shall, within twenty-four hours of the death or a person, forward the body with a view to its being examined to the nearest Civil Surgeon or other qualified medical person appointed in this behalf by the State Government, unless it is not possible to do so for reasons to be recorded in writing.".

19. *Amendment of section 202.* In section 202 of the principal Act, in sub-section (*1*), after the words "may, if he thinks fit,", the following shall be inserted, namely:—

"and shall, in a case where the accused is residing at a place beyond the area in which he exercises his jurisdiction,".

20. *Amendment of section 206.* In section 206 of the principal Act, in sub-section (*1*),—

(*a*) in the opening paragraph, after the words an figures "under section 260", the words and figures "or section 261" shall be inserted;

(*b*) in the proviso, for the words "one hundred rupees", the words "one thousand rupees" shall be substituted.

21. *Amendment of section 223.* In section 223 of the principal Act, in the proviso,—

(*a*) for the word "Magistrate", the words "Magistrate or Court of Session" shall be substituted;

(*b*) for the words "if he is satisfied", the words "if he or it is satisfied" shall be substituted.

22. *Amendment of section 228.* In section 228 of the principal Act, in sub-section (*1*), in clause (*a*), for the words ",and thereupon the Chief Judicial Magistrate", the words "or any other Judicial Magistrate of the first class and direct the accused to appear before the Chief Judicial Magistrate, or, as the case may be, the Judicial Magistrate of the first class, on such date as he deems fit, and thereupon such Magistrate" shall be substituted.

23. *Amendment of section 260.* In section 260 of the principal Act, in sub-section (*1*),—

(*a*) for the words "two hundred rupees", wherever they occur, the words "two thousand rupees" shall be substituted;

(*b*) in clause (*vi*), for the words "criminal intimidation", the words "criminal intimidation punishable with imprisonment for a term

which may extend to two years, or with fine, or with both" shall be substituted.

24. *Insertion of new section 291A.* After section 291 of the principal Act, the following section shall be inserted, namely:—

"291A. Identification report of Magistrate. (*1*) Any document purporting to be a report of identification under the hand of an Executive Magistrate in respect of a person or property may be used as evidence in any inquiry, trial or other proceeding under this Code, although such Magistrate is not called as a witness:

Provided that where such report contains a statement of any suspect or witness to which the provisions of section 21, section 32, section 33, section 155 or section 157, as the case may be, of the Indian Evidence Act, 1872, apply, such statement shall not be used under this sub-section except in accordance with the provisions of those sections.

(*2*) The Court may, if it thinks fit, and shall, on the application of the prosecution or of the accused, summon and examine such Magistrate as to the subject matter of the said report.".

25. *Amendment of section 292.* In section 292 of the principal Act,—

(*a*) in sub-section (*1*), after the words "the Mint", the words "or of the Currency Note Press or of the Bank Note Press or of the Security Printing Press" shall be inserted;

(*b*) in sub-section (*3*), for the words "the Master of the Mint, or the India Security Press", the words "the General Manager of the Mint or of the Currency Note Press or of the Bank Note Press or of the Security Printing Press or of the India Security Press" shall be substituted.

26. *Amendment of section 293.* In section 293 of the principal Act, in sub-section (*4*),—

(*a*) for clause (*b*), the following clause shall be substituted, namely:—

"(*b*) the Chief Controller of Explosives:";

(*b*) after clause (*f*), the following clause shall be added, namely:—

"(*g*) any other Government scientific expert specified, by notification, by the Central Government for this purpose.".

27. *Insertion of new section 311A.* After section 311 of the principal Act, the following section shall be inserted, namely:—

"311A. *Power of Magistrate to order person to give specimen*

signatures or handwriting. If a Magistrate of the first class is satisfied that, for the purposes of any investigation or proceeding under this Code, it is expedient to direct any person, including an accused person, to give specimen signatures or handwriting, he may make an order to that effect and in that case the person to whom the order relates shall be produced or shall attend at the time and place specified in such order and shall give his specimen signatures or handwriting:

Provided that no order shall be made under this section unless the person has at some time been arrested in connection with such investigation or proceeding.".

28. *Amendment of section 320.* In section 320 of the principal Act, in the Table under sub-section (*2*),—

(*a*) the words "Voluntarily causing hurt by dangerous weapons or means" in column 1 and the entries relating thereto in columns 2 and 3 shall be omitted;

(*b*) in column 3, for the word "Ditto", against the entry relating to section 325, the words "The person to whom the hurt is caused" shall be substituted;

(*c*) in column 1, for the words "two hundred and fifty rupees", wherever they occur, the words "two thousand rupees" shall be substituted.

29. *Amendment of section 356.* In section 356 of the principal Act, in sub-section (*1*),—

(*a*) after the words, figures and letter "or section 489D", the words, figures and brackets "or section 506 (in so far as it relates to criminal intimidation punishable with imprisonment for a term which may extend to seven years or with fine or with both)" shall be inserted;

(*b*) after the word and figures "Chapter XII", the words and figures "or Chapter XVI" shall be inserted.

30. *Amendment of section 358.* In section 358 of the principal Act, in sub-sections (*1*) and (*2*), for the words "one hundred rupees", the words "one thousand rupees" shall be substituted.

31. *Amendment of section 377.* In section 377 of the principal Act,—

(*a*) in sub-sections (*1*) and (*2*), for the words "an appeal to the High Court against the sentence on the ground of its inadequacy", the following shall be substituted, namely:—

"an appeal against the sentence on the ground of its inadequacy—

(*a*) to the Court of Session, if the sentence is passed by the Magistrate; and

(*b*) to the High Court, if the sentence is passed by any other Court";

(*b*) in sub-section (*3*), for the words "the High Court", the words "the Court of Session or, as the case may be, the High Court" shall be substituted.

32. *Amendment of section 378.* In section 378 of the principal Act,—

(*i*) for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) Save as otherwise provided in sub-section (*2*), and subject to the provisions of sub-sections (*3*) and (*5*),—

(*a*) the District Magistrate may, in any case, direct the Public Prosecutor to present an appeal to the Court of Session from an order of acquittal passed by a Magistrate in respect of a cognizable and non-bailable offence;

(*b*) the State Government may, in any case, direct the Public Prosecutor to present an appeal to the High Court from an original or appellate order of an acquittal passed by any Court other than a High Court [not being an order under clause (*a*)] or an order of acquittal passed by the Court of Session in revision.";

(*ii*) In sub-section (*2*), for the portion beginning with the words "the Central Government may" and ending with the words "the order of acquittal", the following shall be substituted, namely:—

"the Central Government may, subject to the provisions of sub-section (*3*), also direct the Public Prosecutor to present an appeal—

(*a*) to the Court of Session, from an order of acquittal passed by a Magistrate in respect of a cognizable and non-bailable offence;

(*b*) to the High Court from an original or appellate order of an acquittal passed by any Court other than a High Court [not being an order under clause (*a*)] or an order of acquittal passed by the Court of Session in revision";

(*iii*) in sub-section (*3*), for the words "No appeal", the words "No appeal to the High Court" shall be substituted.

33. *Amendment of section 389.* In section 389 of the principal Act, to sub-section (*1*), the following provisos shall be added, namely:—

"Provided that the Appellate Court shall, before releasing on bail or on his own bond a convicted person who is convicted of an offence punishable with death or imprisonment for life or imprisonment for a term of not less than ten years, shall give opportunity to the Public Prosecutor for showing cause in writing against such release:

Provided further that in cases where a convicted person is released on bail it shall be open to the Public Prosecutor to file an application for the cancellation of the bail.".

34. *Amendment of section 428.* To section 428 of the principal Act, the following proviso shall be added, namely:—

"Provided that in cases referred to in section 433A, such period of detention shall be set off against the period of fourteen years referred to in that section.".

35. *Amendment of section 436.* In section 436 of the principal Act, in sub-section (*1*),—

(*a*) in the first proviso, for the words "may, instead of taking bail", the words "may, and shall, if such person is indigent and is unable to furnish surety, instead of taking bail" shall be substituted;

(*b*) after the first proviso, the following *Explanation* shall be inserted, namely:—

"Explanation.—Where a person is unable to give bail within a week of the date of his arrest, it shall be a sufficient ground for the officer or the Court to presume that he is an indigent person for the purposes of this proviso.".

36. *Insertion of new section 436A.* After section 436 of the principal Act, the following section shall be inserted, namely:—

"436A. *Maximum period for which an undertrial prisoner can be detained.* Where a person has, during the period of investigation, inquiry or trial under this Code of an offence under any law (not being an offence for which the punishment of death has been specified as one of the punishments under that law) undergone detention for a period extending up to one-half of the maximum period of imprisonment specified for that offence under that law, he shall be released by the Court on his personal bond with or without sureties:

Provided that the Court may, after hearing the Public Prosecutor

and for reasons to be recorded by it in writing, order the continued detention of such person for a period longer than one-half of the said period or release him on bail instead of the personal bond with or without sureties:

Provided further that no such person shall in any case be detained during the period of investigation, inquiry or trial for more than the maximum period of imprisonment provided for the said offence under that law.

Explanation.—In computing the period of detention under this section for granting bail, the period of detention passed due to delay in proceeding caused by the accused shall be excluded.".

37. Amendment of section 437. In section 437 of the principal Act,—

(*i*) in sub-section (*1*),—

(*a*) in clause (*ii*), for the words "a non-bailable and cognizable offence", the words "a cognizable offence punishable with imprisonment for three years or more but not less than seven years" shall be substituted;

(*b*) after the third proviso, the following proviso shall be inserted, namely:—

"Provided also that no person shall, if the offence alleged to have been committed by him is punishable with death, imprisonment for life, or imprisonment for seven years or more, be released on bail by the Court under this sub-section without giving an opportunity of hearing to the Public Prosecutor.";

(*ii*) in sub-section (*3*), for the portion beginning with the words "the Court may impose" and ending with the words "the interests of justice", the following shall be substituted, namely:—

"the Court shall impose the conditions,—

(*a*) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(*b*) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(*c*) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence,

and may also impose, in the interests of justice, such other conditions as it considers necessary".

38. *Amendment of section 438.* In section 438 of the principal Act, for sub-section (*1*), the following sub-sections shall be substituted, namely:—

"(*1*) Where any person has reason to believe that he may be arrested on accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section that in the event of such arrest he shall be released on bail; and that Court may, after taking into consideration, *inter alia,* the following factors, namely:—

(*i*) the nature and gravity of the accusation;

(*ii*) the antecedents of the applicant including the fact as to whether he has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence;

(*iii*) the possibility of the applicant to flee from justice; and

(*iv*) where the accusation has been made with the object of injuring or humiliating the applicant by having him so arrested,

either reject the application forthwith or issue an interim order for the grant of anticipatory bail:

Provided that, where the High Court or, as the case may be, the Court of Session, has not passed any interim order under this sub-section or has rejected the application for grant of anticipatory bail, it shall be open to an officer in-charge of a police station to arrest, without warrant the applicant on the basis of the accusation apprehended in such application.

(*1A*) Where the Court grants an interim order under sub-section (*1*), it shall forthwith cause a notice being not less than seven days notice, together with a copy of such order to be served on the Public Prosecutor and the Superintendent of Police, with a view to give the Public Prosecutor a reasonable opportunity of being heard when the application shall be finally heard by the Court.

(*1B*) The presence of the applicant seeking anticipatory bail shall be obligatory at the time of final hearing of the application and passing of final order by the Court, if on an application made to it by the Public Prosecutor, the Court considers such presence necessary in the interest of justice.".

39. *Insertion of new section 441A.* After section 441 of the principal Act, the following section shall be inserted, namely:—

"441A. *Declaration by sureties.* Every person standing surety to an accused person for his release on bail, shall make a declaration

before the Court as to the number of persons to whom he has stood surety including the accused, giving therein all the relevant particulars.".

40. *Amendment of section 446.* In section 446 of the principal Act, in sub-section (*3*), for the words "at its discretion", the words "after recording its reasons for doing so" shall be substituted.

41. *Amendment of section 459.* In section 459 of the principal Act, for the words "less than ten rupees", the words "less than five hundred rupees" shall be substituted.

42. *Amendment of the First Schedule.* In the First Schedule to the principal Act, under the heading "I.–OFFENCES UNDER THE INDIAN PENAL CODE",–

(*a*) after the entries relating to section 153A, the following entries shall be inserted, namely:—

1	2	3	4	5	6
"153AA	Knowingly carrying arms in any procession or organising or holding or taking part in any mass drill or mass training with arms	Imprisonment for 6 months and fine of 2,000 rupees	Ditto	Ditto	Any Magis-trate.";

(*b*) in the 6th column, in the entries relating to section 153B, for the word "Ditto", the words "Magistrate of the first class" shall be substituted;

(*c*) after the entries relating to section 174, the following entries shall be inserted, namely:—

1	2	3	4	5	6
"174A	Failure to appear at specified place and specified time as required by a pro-clamation published under sub-section(*1*) of section 82 of this Code	Imprisonment for 3 years or with fine, or with both	Cogniz-able	Non-bail-able	Magistrate of the first class.
	In a case where de-claration has been made under sub-section (*4*) of section 82 of this Code pronouncing a person as proclaimed offender	Imprisonment for 7 years and fine	Ditto	Ditto	Ditto.";

(*d*) in the entries relating to section 175,—

(*i*) in the 4th column, for the word "Ditto", the word "Non-cognizable";

(*ii*) in the 5th column, for the word "Ditto", the word "Bailable",

shall be substituted;

(*e*) after the entries relating to section 229, the following entries shall be inserted, namely:–

1	2	3	4	5	6
"229A	Failure by person released on bail or bond to appear in Court	Imprisonment for 1 year, or fine, or both	Cognizable	Non-bailable	Any Magistrate.";

(*f*) in the 5th column, in the entries relating to–

(*i*) section 274, for the word "Ditto", the word "Non-bailable" shall be substituted;

(*ii*) section 275, for the word "Ditto", the word "Bailable" shall be substituted;

(*iii*) section 324, for the word "Ditto", the word "Non-bailable" shall be substituted;

(*iv*) section 325, for the word "Ditto", the word "Bailable" shall be substituted;

(*v*) section 332, for the word "Bailable", the word "Ditto" shall be substituted;

(*vi*) section 333, for the word "Non-bailable", the word "Ditto" shall be substituted;

(*vii*) section 353, for the word "Ditto", the word "Non-bailable" shall be substituted;

(*viii*) section 354, for the word "Ditto", the word "Bailable" shall be substituted.

43. *Amendment of the Second Schedule.* In the Second Schedule to the principal Act, in Form No. 45, after the words and figures "*See* section 436,", the figures and letter "436A," shall be inserted.

44. *Amendment of Act 45 of 1860.* In the Indian Penal Code,–

(*a*) after section 153A, the following section shall be inserted, namely:—

'153AA. *Punishment for knowingly carrying arms in any procession or organising, or holding or taking part in any mass drill or mass training with arms.* Whoever knowingly carries arms in any procession or organizes or holds or takes part in any mass drill or mass training with arms in any public place in contravention of any public notice or order issued or made under section 144A of the Code of Criminal Procedure, 1973 shall be punished with imprisonment for a term which may extend to six months and with fine which may extend to two thousand rupees.

Explanation.—"Arms" means articles of any description designed or adapted as weapons for offence or defence and includes fire arms, sharp edged weapons, lathis, *dandas* and sticks.';

(*b*) after section 174, the following section shall be inserted, namely:–

"174A. *Non-appearance in response to a proclamation under section 82 of Act 2 of 1974.* Whoever fails to appear at the specified place and the specified time as required by a proclamation published under sub-section (*1*) of section 82 of the Code of Criminal Procedure, 1973 shall be punished with imprisonment for a term which may extend to three years or with fine or with both, and where a declaration has been made under sub-section (*4*) of that section pronouncing him as a proclaimed offender, he shall be punished with imprisonment for a term which may extend to seven years and shall also be liable to fine.";

(*c*) after section 229, the following section shall be inserted, namely:–

"229A. *Failure by person released on bail or bond to appear in Court.* Whoever, having been charged with an offence and released on bail or on bond without sureties, fails without sufficient cause (the burden of proving which shall lie upon him), to appear in Court in accordance with the terms of the bail or bond, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Explanation.–The punishment under this section is—

(*a*) in addition to the punishment to which the offender would be liable on a conviction for the offence with which he has been charged; and

(*b*) without prejudice to the power of the Court to order forfeiture of the bond.".

6

SESSIONAL REVIEW

FOURTEENTH LOK SABHA

FOURTH SESSION

The Fourth Session of the Fourteenth Lok Sabha which commenced on 25 February 2005 was adjourned *sine die* on 13 May 2005. (In between the House was adjourned from 24 March to 18 April 2005 to enable the Departmentally-related Standing Committees of Parliament to examine the Demands for Grants of the Ministries/Departments assigned to them and report back to the House.) The House was prorogued on 17 May 2005.

A resume of some of the important discussions held and other business transacted during the period from 19 April to 13 May is given below:*

A. DISCUSSIONS / STATEMENTS

Statement by the Prime Minister regarding recent visits of the Chinese Premier and the President of Pakistan to India: Making a Statement in the House on 20 April 2005, the Prime Minister, Dr. Manmohan Singh informed the members about the two important visits to the country in the past few weeks. He said that Premier Wen Jiabao of China paid a State visit to India from 9 to 12 April 2005. He informed that the visit was substantive in its outcome and the Premier Wen had himself described it as 'historic'.

The Prime Minister said that his meeting with the Chinese Premier on 11 April was most warm and productive. They signed a Joint Statement which contained, a vision of where India-China relations were heading and an Action Plan for cooperation in bilateral, regional and global domains. He said that eleven other Agreements were signed and the Report of the India-China Joint Study Group on comprehensive

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* For resume of the important discussions, etc., held during the period from 25 February to 24 March 2005, *see* the *Journal of Parliamentary Information*, Vol. LI, No.2, June 2005, pp. 221-243

trade and economic cooperation was released. He stated that the range of agreements concluded reflected the rapid strides made in our relations with China in recent years. Both he and Premier Wen Jiabao agreed that India-China relations had entered a new phase of comprehensive development. In the Joint Statement, the two leaders stated that they had agreed to establish a "Strategic and Cooperative Partnership for Peace and Prosperity". The partnership reflected India's desire to proactively resolve outstanding differences, while not letting them come in the way of continued development of relations. This was not in the nature of a military pact or alliance but reflected a congruence of purpose apart from a common perception of world events.

The Prime Minister said that a major outcome of the visit was the Agreement on the Political Parameters and Guiding Principles for the Settlement of the India-China Boundary Question. This understanding had been possible as a result of deliberations between the Special Representatives of India and China on the boundary question. The Agreement provided for a "political settlement" of the boundary question in the context of the "overall and long term interests" of the two countries. Both sides had agreed that an early boundary settlement should be pursued as a "strategic objective". In the meanwhile, the two sides agreed to strictly respect the Line of Actual Control, maintain peace and tranquillity in the border areas and expedite the work of clarification and confirmation of the Line of Actual Control. Dr. Singh informed the House that China regarded Sikkim as an "inalienable part of India", and that Sikkim was no longer an issue in India-China relations. The Joint Statement signed by them explicitly referred to "Sikkim as the State of the Republic of India". The Chinese side had officially handed over to India a revised map showing Sikkim within the international boundaries of India.

The Prime Minister stated that the understandings reached during the visit would also give a major fillip to the economic dimension of the relationship, to which both sides attached a great deal of importance. Bilateral trade had been growing rapidly and crossed the US $13 billion mark last year. A target of US $20 billion by 2008 was envisaged and both agreed to establish an India-China Joint Economic Group, chaired by the two Commerce Ministers, to oversee facilitation and expansion of trade in goods and services, investment flows and other areas of economic cooperation. He added that Premier Wen and he had agreed to set up a Joint Task Force, to examine the feasibility and benefits of Trading Arrangements. The Prime Minister said that there was also a useful exchange of views on regional and multilateral issues. Among

other things, both agreed on the importance of comprehensive reforms in the UN system. China conveyed that it attached great importance to the status of India in international affairs and understood and supported India's desire to play an active role in the UN and international affairs.

The Prime Minister expressed the hope that Chinese Premier's visit to India would give a significant boost to India-China relations. He added that India's policy towards China was characterised by continuity and consensus.

The Prime Minister stated that the President of Pakistan, General Pervez Musharraf visited India from 16 to 18 April 2005. He had invited him to the cricket match in New Delhi and they used the opportunity to hold substantive discussions on a wide range of bilateral issues. He said that they also issued a Joint Statement which took stock of the relations between the two countries and outlined the ideas and activities agreed upon between them to move the bilateral relationship forward.

The Prime Minister said that during the talks, President Musharraf and he reviewed the progress made in the bilateral relations. They assessed positively the progress that had been made through Confidence-Building Measures (CBMs), people-to-people contacts, and enhanced areas of interactions and expressed their joint determination to build on the momentum already achieved. Both agreed that greater cooperation between the two largest economies of South Asia would not only contribute to the well-being of the peoples of the two countries but would also bring about a higher level of prosperity for the entire region. They also agreed on several forward-looking measures such as the restoration of the rail link between Khokhrapar and Munnabao to increase interaction between the two countries.

The Prime Minister informed that the Srinagar-Muzaffarabad bus service was started earlier this month (April 2005) despite terrorist threats and a dastardly suicide attack on the Srinagar Tourist Reception Centre. The courage and determination of our people and condemnation by both the Governments as contained in the Joint Statement, of attempts to disrupt this important initiative, gave confidence for its continued and successful operation with even greater frequency in the future. He expressed his belief that the bus service had tapped a latent reservoir of public support for greater people to people contact, especially among people living on either side of the Line of Control.

The Prime Minister said that the issue of Jammu and Kashmir was also discussed in a positive atmosphere. He had emphasized that while redrawing of the boundaries was not possible, all measures that could

bring the people on both sides together, including increased transportation linkages to facilitate greater traffic of people and trade across the border and the Line of Control, would help the process and create an atmosphere of mutual trust and confidence. He informed that President Musharraf stressed the importance of addressing the Jammu and Kashmir issue. However, the latter also agreed that the confidence building process between the two countries had made significant progress. Both felt that this process would contribute to promoting a general sense of trust and understanding between the two countries, which in turn would be conducive to creating the environment for a just, fair and mutually acceptable solution to all outstanding issues. Consequently, both the countries had agreed to pursue further measures to enhance interaction and cooperation across the Line of Control including agreed meeting points for divided families, trade, pilgrimages and cultural interaction.

The Prime Minister stated that the Joint Statement specifically re-affirmed the commitments made in the Joint Press Statement of 6 January 2004, and the Joint Statement issued after the meeting of the Indian Prime Minister and the Pakistani President in New York on 24 September 2004. He said that this re-affirmation addressed our concerns relating to terrorism from across the border. The Joint Statement also contained a pledge that terrorism would not be allowed to impede the peace process. It also underlined the importance of the peace process and the degree of improvement in relations between the two countries.

Expressing satisfaction over the progress achieved during the talks, the Prime Minister stated that the difficult issues that divide India and Pakistan have bedevilled relations between the two countries for far too long to hope for an immediate resolution. He stated that the threat to the peace process from extremist forces and terrorist organisations had not been eliminated. He mentioned to President Musharraf that the whole process of serious and sustained dialogue hinged on building an atmosphere of trust and confidence, free from violence and terror. India, therefore, looked forward to Pakistan implementing their assurances in letter and spirit.

The Prime Minister stated that, the previous year had been quite a remarkable one for India's relation with Pakistan. The two countries successfully concluded one round of the Composite Dialogue and had already commenced the next round. Diplomatic and other links had been normalised and restored to the pre-13 December 2001 level. People-to-people exchanges were taking place across the spectrum in overwhelming numbers. The ceasefire being observed along the International

Border, the Line of Control and the Actual Ground Position Line in Siachen had, with the exception of a few stray incidents, held since November 2003. He said that India was committed to peace and friendship with Pakistan. India sincerely sought a cooperative and constructive relationship with Pakistan. He expressed his happiness in seeing that this desire was reciprocated by the Pakistan side, and that there was considerable popular support for an improved relationship in both the countries. To create such a durable cooperative and constructive relationship, he stressed upon the need to invest in the ongoing process of engagement and confidence building while ensuring that the recent positive trends were sustained. He informed that a detailed schedule and agenda for the round of composite dialogue that had commended had been chalked out and added that persistent and purposeful engagement would show the way to peace and enable both the countries to fulfil the promise of friendship and cooperation.

Discussion under Rule 193 regarding Electoral Reforms: The discussion in this regard took place on 3, 4 and 5 May 2005. Initiating the discussion in the House on 3 May 2005, Shri Devendra Prasad Yadav of the Rashtriya Janata Dal (RJD) said that Electoral Reforms were required to be reviewed from time to time in consonance with the conditions and the composition of the society. The Constitution was required to be reviewed with some fundamental changes made in it. Referring to the recent elections in Bihar, Jharkhand and Haryana, he said that the decisions and the steps taken by the Election Commission particularly in Bihar deprived the weaker sections from exercising their voting right. Even the voters who had photo-identity cards were not allowed to vote. Even if one did not have the photo-identity card, there were other alternative proofs of identity. As such, the Election Commission did not have the power to deprive the voters from their right of casting the votes. To enable people to have their voting right, he requested the Government to provide for voting by 600 to 700 persons in a booth; to provide mobile booths for the weaker sections and senior citizens; and to extend the voting time from 7 a.m. to 5 p.m. instead of 8 a.m. to 5 p.m. He also suggested that there should be a committee to look into the conduct of the Election Commission, so that there may be free, impartial and fearless voting in the country.

Participating in the discussion* on 4 May 2005, Prof. Ram Gopal

* Others who participated in the discussion were: Sarvashri Pawan Kumar Bansal, Ramji Lal Suman, P. Karunakaran, Raghunath Jha, Iliyas Azmi, Sandeep Dikshit, Suravaram Sudhakar Reddy, Choudhary Lal Singh, Varkala Radhakrishnan, Aruna Kumar Vundavalli, Raja Ram Pal, Ram Kripal Yadav, Tufani Saroj, Lalit Mohan Suklabaidya, Lal Mani Prasad, Furkan Ansari, Vijay Krishna, Shailendra Kumar, V. Kishore Chandra S. Deo, Sitaram Singh, S.K. Kharventhan, Kunwar Manvendra Singh, Dr. Sujan Chakraborty, Dr. M. Jagannath and Dr. K.S. Manoj

Yadav (Samajwadi Party) expressed concern over the action of the observers as they transferred officers on the basis of caste during the elections. He also posed a question that if a village had 2000 voters with none of them in service, and if all of them cast their votes, what was illegal about it and what was the cause for conducting repoll in such a case. Referring to exit polls, he said that smaller parties suffered a lot because of these and requested the Minister to bring in a Bill in this regard.

Prof. M. Ramadass (PMK) said that the electoral system had to be made fool proof and people must have faith in the system. To achieve this, people should be inspired to have confidence in the candidates who were contesting and persuaded to vote for them. He suggested that a system should be evolved whereby a candidate is declared to have been elected only if he gets 50 per cent plus one per cent of the votes that have been polled.

Shri Asaduddin Owaisi (All India Majlis-e-Ittehadul Muslimeen) said that there was an urgent need for an Election Tribunal so that there could be speedy disposal of election related petitions. He wanted that unrecognised political parties which had elected members in the State Assembly should also be allotted time on the National Doordarshan Channels so that they could also propagate their programmes and give out their message.

Shri M.P. Veerendra Kumar (JD-Secular) referred to criminalization of politics and stated that there was a need for funding the elections in order to see that there was no criminalization or privatization of politics.

Replying to the discussion on 5 May 2005, the Minister of Law and Justice, Shri H.R. Bhardwaj said that the United Progressive Alliance (UPA) Government had committed itself to consider steps for introducing state-funding in elections. In this connection, he said that the recommendations of the Indrajit Gupta Committee would be adhered to. He also reiterated Government's commitment to introduce legislation providing for one third reservation to women in the Lok Sabha and the Vidhan Sabhas.

Coming to the complaints of booth-capturing, the Minister said that this phenomenon was a total negation of democracy and appealed to all to put an end to it. In this regard, he requested all the political parties to sit together and look into the matter. He also said that there was rampant use of communalism in the electoral process which had divided the society dangerously. He cautioned that dividing the society either at the macro or micro level was very dangerous for the unity and integrity of the country.

The Minister said that he favoured the idea of bringing booths nearer to the people so that infirm, aged citizens could cast their votes without any trouble. He added that there should be mobile vans in areas where Scheduled Castes and Scheduled Tribes, weaker sections and minorities lived. He stated that the Election Commission had recommended that there should be an audit of political parties. The Minister further informed that a proposal on negative voting, restricting contest on one seat alone, and appointing an appellate authority were also under consideration.

The Minister stated that once the common voters' list with pictures on it were introduced, there would not be need for identity cards and with the application of information technology the task of preparing such voters' list would become easy. The Minister said that the previous Government had made efforts to put a check on exit polls. In this connection, the Attorney General had opined that the issue was linked with the freedom of expression. He said that the Election Commission had given a suggestion that the Government should bring a statutory provision to check it. As regards the work of delimitation, the Minister said that work was being done by the Delimitation Commission and he could not say anything in that regard.

Discussion under Rule 193 regarding the Statement made by the Prime Minister on 20 April 2005 regarding visits of the Chinese Premier and the President of Pakistan to India: Initiating the discussion in this regard in the House on 12 May 2005, Shri Rupchand Pal of the Communist Party of India (Marxist) said that the historic visits of the Chinese Premier and the President of Pakistan, mentioned by the Prime Minister in his statement, were a great leap forward in India's relations with her important neighbours.

He said that after long years in the post 1960 era, the ice was first broken by late Rajiv Gandhi. After that, there had been progress in the relations between India and China on settling issues like the border issue, giving recognition to Sikkim, about China's global perspective and also about tackling a conspiracy by imperialist powers who wanted to use India to contain China. In keeping with its commitment in the National Common Minimum Programme (NCMP) for an independent foreign policy, for a multi-polar world, he said that the present Government was progressing well. Welcoming the initiative of the visit of the Chinese Premier, he said that India and China had agreements covering areas of social, economic, political, cultural and also on border area co-operation, WTO and bilateral trade and about having a trilateral relationship between India, China and Russia. Coming to the visit of the

President of Pakistan, he said that people-to-people contact through all these years had converged to such a level that it would not be possible for either India or Pakistan to back out. He said that the New World Order and the people of the 21st Century had a new mindset. They wanted to see us to go together in a cooperative manner as partners in progress. The new peace process that India and Pakistan had undertaken was successful and that it should be made irreversible with a goal of final settlement, he added.

Participating in the discussion,* Prof. Ram Gopal Yadav (Samajwadi Party) said that national interest should remain paramount while pursuing foreign policy. Commending the Government for its efforts, he said that India's relation both with China and Pakistan should be cordial.

Prof. M. Ramadass (PMK) said that the most important advantage of the agreements that had been signed by India with Pakistan and also with China was that it would help India emerge as a major global player in the emerging globalization era. The border problem with China was now nearing a solution. China had agreed that Sikkim is an inalienable territory of India. As far as Pakistan was concerned, he said that Kashmir would not be an obstacle in determining the various issues of economy and development between these two countries.

Shri Asaduddin Owaisi (All India Majlis-e-Ittehadul Muslimeen) said that the visit of the President of Pakistan created a new benchmark for political interaction between the two countries. He emphasised the need to maintain the momentum on the current upgradation of bilateral relations.

Shri Ramdas Athawale (Republican Party of India-A) wanted restoration of peace in Jammu and Kashmir. Referring to the visits of the Chinese Premier and Pakistani President, he expressed the hope that these visits would help forge friendship with these countries.

Replying to the discussion, the Prime Minister, Dr. Manmohan Singh expressed his deep satisfaction over the continuing and strong consensus that characterized the conduct of India Foreign policy which was reflected in several observations made by the members. There was unanimity in the House regarding the importance of our relations with China. He said that there was great scope for expansion of economic

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* Others who participated in the discussion were: Sarvashri K.S. Rao, Hannan Mollah, Pawan Kumar Bansal, Ram Kripal Yadav, Prabodh Panda, Madhusudan Mistry and Dr. M. Jagannath

co-operation with China. With regard to resolution of the boundary question, he said that the agreement India had reached with China, setting out the political parameters and guiding principles for the resolution of the boundary question, assumed considerable significance.

With regard to Pakistan, the Prime Minister expressed his happiness as all the members had underscored the importance of normalization of our relations with Pakistan. He said that India sincerely desired to find mutually acceptable solutions on all outstanding issues. He felt that the members had rightly emphasized the need for a complete cessation of cross border terrorism, including dismantling of terrorist training camps and launch pads across the Line of Control (LOC). He said that India welcomed the pledge made by President Musharraf not to allow terrorism to impede the bilateral peace process. He said that both he and President Musharraf were committed to making the peace process truly irreversible, facilitating resolution of all outstanding issues between the two countries.

The Prime Minister also referred to India's relations with other countries. He stated that India had excellent relations with its neighbours including Bangladesh, Bhutan, Nepal, and Sri Lanka. India's relations with the United States had never been better. India occupied a place of importance in the Non-Aligned Movement. India had also moved forward in rejuvenating relations with the European Union through the new 'Strategic Partnership'.

The Prime Minister said that India's steadfast commitment to democracy, to building a multi-ethnic, multi-religious, multi-lingual, multi-cultural democracy based on respect for fundamental human rights and the rule of law gave her a unique place in our era. He said that all nations of the world would one day function on these very principles of liberal and pluralistic democracy. He added that his Government was committed to work earnestly to realize this vision of India's tryst with destiny.

B. LEGISLATIVE BUSINESS

The Prevention of Money-Laundering (Amendment) Bill, 2005:* Moving the Motion for consideration of the Bill in the House on 6 May 2005, the Minister of Finance, Shri P. Chidambaram said that the Money-Laundering Act was passed by the House in the year 2002, and

* The Bill was introduced in the Lok Sabha on 29 April 2005

a number of steps were taken to implement it. While examining the question of notifying the Act, the Minister said that there were certain lacunae in the Act. Therefore, in consultation with the Ministry of Law, it was concluded that these lacunae had to be removed.

Dwelling on the broad reasons for the amendment, the Minister said that under Section 45 of the Act, every offence was cognizable. If an offence was cognizable, then any police officer in India could arrest an offender without warrant. At the same time, under Section 19 of the Act, only a Director or a Deputy Director or an Assistant Director or any other officer duly authorized, in that behalf could arrest an offender. Clearly, there was a conflict between these two provisions and there were inconsistencies in these provisions. They had now been removed. The second anomaly was that the expression "investigation officer" and the word "investigation" occurred in a number of sections, but they were not defined in the Act. That had been cured now. The third difficulty was that the Act contemplated an Appellate Tribunal under Section 25 but there might not be enough cases for a full-time Appellate Tribunal. There were other Appellate Tribunal in similar Acts. So, those Appellate Tribunals could be authorized to function as Appellate Tribunal under this Act.

Replying to the discussion*, the Minister of Finance, Shri P. Chidambaram said that Section 45(1)(a) was being omitted because, if the offence was cognizable, then any police officer in this country could arrest without a warrant. The Government was making it non-cognizable. He said that the Government was not amending Section 3 or Section 4. This Act dealt with an offence called money laundering which was defined as proceeds of a crime. The crimes were listed in the Schedule. If out of that crime money was made, that was hit by this Act. If anyone committed an offence of falsification of accounts, would be prosecuted both under this Act for money laundering and under the IPC for falsification of accounts.

The Bill was passed.

*The Right to Information Bill, 2004***: On 10 May 2005, the Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Ministry of Parliamentary Affairs, Shri Suresh Pachauri moved the motion for the consideration of the Bill. The Minister stated that an era of transparency and accountability in

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* Those who participated in the discussion were: Sarvashri Rupchand Pal, S.K. Kharventhan, Shailendra Kumar and Suravaram Sudhakar Reddy

** The Bill was introduced in the Lok Sabha on 23 December 2004

governance was on the anvil. In order to ensure greater and more effective access to information, the Government resolved that the Freedom of Information Act, 2002 enacted by the Parliament required to be made more progressive, participatory and meaningful. The National Advisory Council deliberated on the issue and suggested certain important changes for being incorporated in the existing Act to ensure smoother and greater access to information. The Government examined the suggestions made by the National Advisory Council and others and decided to make a number of changes in the law. The important changes proposed for incorporation, *inter alia*, included establishment of an appellate machinery with investigating powers to review decisions of the Public Information Officers; penal provisions for failure to provide information as per law; provisions to ensure maximum disclosure and minimum exemptions, consistent with the constitutional provisions, and effective mechanism for access to information and disclosure by the authorities, etc. In view of the significant changes proposed in the existing Act, the Government also decided to repeal the Freedom of Information Act, 2002. As the proposed legislation would provide an effective framework for effectuating the right of information recognized under Article 19 of the Constitution of India.

The Minister said that some of the provisions of the Bill would come into force as soon as it was enacted, while the remaining provisions would become effective on the 120th day of its enactment. Thus, it would be incumbent on the public authorities to develop the necessary infrastructure for providing the information to the citizens within that period. He said that the scope of the Bill was being extended to authorities and bodies under the Constitution or other Law. The non-Governmental Organizations substantially financed, directly or indirectly, by the public funds were also being brought under the ambit of the Bill. The Minister said that Clause 7 of the Bill made it obligatory for the Public Information Officer to provide the information requested for and permissible under the Bill, not later than 30 days. Clause 21 of the Bill exempted security and intelligence organizations from the provisions of the Bill. The Minister said that the provision of the Bill would be a watershed in the evolution of the right to information in the country and would bring India at par with only a handful of the countries which had enacted such legislations.

Participating in the discussion*, Shri K. Yerrannaidu (TDP) said that

* Others who participated in the discussion were: Sarvashri Varkala Radhakrishnan, Ramji Lal Suman, Milind Deora, Alok Kumar Mehta, Sachin Pilot, Suravaram Sudhakar Reddy, Samik Lahiri, Shailendra Kumar, Adhir Chowdhury, Ram Kripal Yadav, Dr. R. Senthil and Dr. Sebastian Paul

in a democracy all the institutions have to provide information to the citizens. Referring to the State of Andhra Pradesh, he said that the Government was going in a big way for the construction of irrigation projects but was denying the MLAs, MPs and the people information on these projects. He wanted that information should be available to the citizens free of cost.

Shri Asaduddin Owaisi (AIMIM) congratulated the Government for fulfilling one of the promises made in the Common Minimum Programme. He however said that the Bill had a drawback as it was not applicable to all the States of the country. Limiting it to such a narrow geographical sphere would not really serve the purpose, he added.

Shri Ramdas Athawale (RPI-A) said that the Bill indeed was a revolutionary decision which would definitely check increasing corruption. After passing the Bill, it had to be implemented effectively in order to achieve its objectives, he added.

Intervening in the discussion on 11 May 2005, the Prime Minister, Dr. Manmohan Singh said that the key to the successful functioning of any democratic polity was the ability of a citizen to observe and evaluate the functioning of the elected representatives and make an informed judgment of their performance. Such evaluation was possible with the easy availability of the necessary information to a citizen to arrive at an assessment. He said that the UPA Government had made a commitment, not only to work for the welfare of the common man, but also to strengthen his or her role as the arbiter of our destiny. It was in that background that the Government had introduced the Right to Information Bill and the subsequent amendments in the House. He said that the Bill had the widest possible reach covering Central and State Governments, Panchayati Raj Institutions, local bodies as well as recipients of Government grants. Access to information under the Bill was extensive with minimum exemptions. Even security and intelligence agencies, which were otherwise exempt, were subject to disclosure in cases of allegations of corruption or violation of human rights. An important feature of the Bill was the independent appeal mechanism proposed through the appointment of Central and State Information Commissioners. The Prime Minister appealed to all the civil servants to see the Bill in the right spirit and hoped that they would only be spurred towards better performance. He also requested the State Governments to take the initiative to establish State Information Commissions. He expressed his hope that the passage of the Bill would see the dawn of a new era in the process of governance.

Replying to the discussion, the Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Ministry of Parliamentary Affairs, Shri Suresh Pachauri said that the Bill was an important step towards fulfilling the promises made to the people of the country by the UPA Government under the Common Minimum Programme.

The Minister further said that the UPA Government wanted to hand over the key of democracy to the people of the country. The Government did not want to hide any information, which was in the national interest from the people. Keeping this point in view, it had been provided in the Bill that information would be made available free of cost to the people living below the poverty line.

He said that sub-clause 2 of Clause 2 of the Bill provided that the Central Government, the State Governments and the local bodies would make information available to the citizens. On a point by a member, wherein he had stated that whether by providing information under Clause 8 (c), the privileges of the Parliament and the State Legislatures would be violated and therefore, there was a need to reconsider the provision, the Minister clarified that the Government would ponder over the matter. It had also been provided in the Bill that any information which was not restricted under the provisions of the Bill would be made available and it would not violate the oath of secrecy.

The Minister said that there were 55 countries in the world where Right to Information Bill, with different nomenclatures, was in force. He said that the Government wanted to move a step forward in fulfilling the promises made to the people of the country and urged the members to pass such an important Bill along with the amendments.

The Bill, as amended, was passed.

The Special Economic Zones Bill, 2005:* Moving the motion for consideration of the Bill on 10 May 2005, the Minister of Commerce and Industry, Shri Kamal Nath said that the Government of India had announced a Special Economic Zone scheme in April 2000 with a view to provide an internationally competitive environment for exports. The objectives of the Special Economic Zones included among other things making available goods and services free of taxes and duties supported

* The Bill was introduced in the Lok Sabha on 9 May 2005

by integrated infrastructure for export production, expeditious and single window approval mechanism and a package of incentives to attract foreign and domestic investments for promoting export-led growth. There were at present eleven functioning Special Economic Zones. While seven Zones were set up by the Central Government, four had been set up by the private/joint/State sector. In addition, approvals had been given for setting up of thirty-five new Special Economic Zones in the private/joint/State sector.

The Minister said that while the policy relating to the Special Economic Zones was contained in the Foreign Trade Policy, incentives and other facilities offered to the Special Economic Zone developer and units were implemented through various notifications and circulars issued by the concerned Ministries/Departments. The present system, therefore, did not give enough confidence for the investors to commit substantial funds for the development of infrastructure and for setting up of the units in the Zones for export of goods and services. To provide a long term and stable policy framework with a minimum regulatory regime and to provide expeditious and single window clearance facilities, a Central Act for Special Economic Zones had been found to be necessary in line with the international practice. The Minister said that introduction and passage of the Bill was expected to provide confidence and stability to domestic and foreign investors and signal the Government's commitment to SEZ Policy framework.

Participating in the discussion,* Prof. M. Ramadass (PMK) said that the Bill was consistent with the economic reforms that had been introduced in the country in terms of liberalization, privatization and globalization. Welcoming the Bill, he urged upon the Government to provide the same encouragement and initiative to the industries which were lying outside the deemed foreign territory.

Shri Ramdas Athawale (RPI-A) suggested that the Government of India should create skill training centres on the line of Indonesia for the benefit of the people. He stated that the interest of the workers should be taken care of and that there should be some provisions in the Bill with regard to providing reservation to SCs and STs.

Replying to the discussion, the Minister of Commerce and Industry,

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* Others who participated in the discussion were: Sarvashri Rupchand Pal, K.S. Rao, Gurudas Das Gupta, Madhusudan Mistry and Alok Kumar Mehta

Shri Kamal Nath said that the Bill had been under formulation for quite sometime. The Foreign Trade policy announced by the UPA Government had the sole intention to generate employment. Today, exports represented one of the most important employment-generating activities. He informed that the draft Bill was put on the internet for inviting suggestions and he had received about 140 suggestions. He said that he held open-house meetings to understand as to what were the ingredients needed to frame an SEZ Bill which would meet the desired objectives. That was the reason why the Bill took so much time.

The Minister said that there were domestic investors who were looking at investment opportunities. There had been a large number of proposals which had been approved. Today, if foreign investment was coming, it was not merely because India had a large population, they were coming because India passed a legislation which was credible. In the last one year, the Minister said that he had the opportunity to interact with the investors and exporters. He said that he was happy to inform that the world today saw India as a credible country. Coming to a reference made about FDI in China, the Minister said that the FDI in China was largely export-driven. In India, the FDI also had a large domestic component. That was why the Bill had to be India-specific. Expressing his gratitude to the members for their active participation, he said that what they were considering today was perhaps one of the most important steps in the country.

The Bill, as amended, was passed.

The Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Bill, 2005:* Moving the Motion for consideration of the Bill in the House on 12 May 2005, the Minister of External Affairs, Shri K. Natwar Singh said that a basic tenet of India's foreign policy since Independence had been the pursuit of global nuclear disarmament. Unfortunately, previously the nuclear weapon powers were not willing to accept even this limited commitment and the Non-Proliferation Treaty. India's status as a Nuclear Weapon State did not diminish its commitment to the objective of a nuclear weapon free world. India's adherence to the Chemical Weapons Convention and the Biological and Toxin Weapons Convention was evidence of her commitment to global disarmament regimes. India was fully

* The Bill was introduced in the Lok Sabha on 10 May 2005

committed to safeguard its security as a Nuclear Weapon State. The Minister said that India's nuclear policy was characterized by responsibility, transparency, predictability and a defensive orientation. The country was committed to building and maintaining a credible minimum deterrent and had declared a posture of no first use. India's policy had always been not to assist, encourage or induce any other country to manufacture nuclear weapons. India would continue to ensure that WMD-usable materials, etc. do not fall into the wrong hands.

Over the years, the Minister said that India had enacted a corpus of legislation dealing with activities of direct or indirect relevance to weapons of mass destruction. It was now considered desirable to introduce an overarching and integrated legislation to prohibit unlawful activities in relation to weapons of mass destruction. The rationale for the proposed Bill was based on the same policy tenets that had guided the country over the past several decades.

Participating in the discussion*, Prof. Ram Gopal Yadav of the Samajwadi Party said that the Bill was being brought under the changing international scenario and expressed his support to the Bill. If the Bill did not bring any adverse effect in our activities and also did not affect our relationship with friendly countries, the Bill had to be given support, he added.

Replying to the discussion, the Minister of External Affairs, Shri K. Natwar Singh said that he deeply appreciated the support given to the Bill in the House. Resolution 1540 was mandatory under Chapter Seven of the Charter of the United Nations. The Resolution called upon the States to adopt national rules and regulations, where it had not been done, to ensure compliance with their commitments under the key Multilateral Non-Proliferation Treaty. It further, called upon the world comity to counter a threat posed upon all the States in accordance with their national legal authorities and legislation in consistence with the international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical and biological weapons, their means of delivery and related materials.

The Minister once again reiterated that India was committed to safeguarding its security as a nuclear weapon State and to deepen

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* Others who participated in the discussion were: Sarvashri Rupchand Pal, Pawan Kumar Bansal, Nikhil Kumar, Sitaram Singh and Dr. Col. (Retd.) Dhani Ram Shandil

its autonomous scientific and technical capability for meeting her security imperatives as well as her developmental goals. India was and would remain a responsible nuclear power. He added that India was committed to ensuring that these weapons did not fall into the wrong hands, especially the terrorists and non-State actors.

The Bill was passed.

C. QUESTION HOUR

During the Fourth Session of the Fourteenth Lok Sabha, 38,426 Notices of Questions (30,089 Starred, 8,309 Unstarred and 28 Short Notice Questions) were received. Out of these, 700 Notices were admitted as Starred, 7,337 as Unstarred and none were admitted as Short Notice Questions. On the first day of the Session *i.e.* 25 February 2005, the President addressed the Joint Sitting of both the Houses of Parliament. As usual, there was no Question Hour on that day. As 26 and 28 February 2005 were fixed for the presentation of Railway Budget and the General Budget respectively, there was no Question Hour on those days.

Due to interruptions in the House on 1 and 2 March 2005, Starred Questions were not called for oral answer. Replies to Starred Questions listed for those days were treated as Unstarred and their answers together with the answers to Unstarred Questions were printed in the Official Report for those days. As the House adjourned on 3 and 4 March 2005 without transacting any business, the replies to Starred Question listed for those days were also treated as Unstarred and their answers together with the answers to Unstarred Questions listed for those days were printed in the Official Report of 9 March 2005. On demand from the members of Parliament, the sitting fixed for 7 March 2005 was cancelled. Notices of questions tabled for the above mentioned date were treated as lapsed. The sitting of Lok Sabha fixed for 18 April 2005 was cancelled on account of Ram Navami which had been declared a closed holiday by the Government. Replies to Starred Questions listed for the day were treated as Unstarred and their answers together with the answers to the Unstarred Questions were printed in the Official Report for the next sitting *i.e.* 19 April 2005.

Daily average of Questions in the List of Questions/Questions orally answered: The average number of Starred Questions answered

orally in the House during the Session was 3.22. The maximum number of Starred Questions answered orally on a day were 7 on 18 March 2005. The average number of questions in the Unstarred List came to 203 per day against the prescribed limit of 230, the minimum being 140 questions on April 2005.

Half-an-Hour Discussion: In all, 29 notices of Half-an-hour Discussion were received during the Session. Out of these, 8 Notices were admitted but only 2 Notices were discussed on the floor of the House.

D. OBITUARY REFERENCES

During the Session obituary references were made on the passing away of former Prime Minister, Shri P.V. Narasimha Rao; His Holiness Pope John Paul II; Sarvashri K.S. Ramaswamy, V. Arunachalam, Krishna Prakash Tiwari, Haribhau Shankar Mahale, Laxman Kakadya Dumada, M. Palaniyandy, Om Prakash Jindal, Surender Singh, Sant Ram Singla, Ebrahim Sulaiman Sait, Akbor Ali Khandoker, Shyam Lal Yadav, Tulsidas Dasappa, Chandradev Prasad Verma, all former members; and Swami Ranganathananda, President of the Rama Krishna Mission.

Besides, references were made to the Tsunami tragedy which wrecked havoc in several countries of South-east Asia and in the Coastal areas of Andhra Pradesh, Kerala, Pondicherry, Tamil Nadu and the Andaman and Nicobar Islands in India, causing widespread loss of lives and property; to the tragic incident of stampede at Kalubai Temple in Mandradevi in Satara District of Maharashtra on 25 January 2005 in which 278 pilgrims were killed; to the tragic loss of more than 200 lives due to avalanches and landslides in the State of Jammu and Kashmir; to the earthquake which hit Zarand in Iran on 22 February 2005 causing loss of a large number of lives and immense damage to property; to the loss of lives caused due to an earthquake which struck the Island of Nias off the southern coast of Sumatra, Indonesia on 28 March 2005; and to the loss of several lives in the tragic train accident on 21 April 2005 of Train No. 9168 Up Varanasi-Ahmedabad Sabarmati Express with Up Goods train at Samlaya Station on Godhara-Vadodara Section in Gujarat.

Members stood in silence for a short while as a mark of respect to the memory of the deceased.

RAJYA SABHA

TWO HUNDRED AND FOURTH SESSION

The Rajya Sabha, which met for its Two Hundred and Fourth Session on 25 February 2005, was adjourned on 24 March 2005 to enable the Department-related Parliamentary Standing Committees to examine the Demands for Grants of the Ministries/Departments assigned to them and report back to the House. The House reconvened on 19 April 2005 and was adjourned *sine die* on 13 May 2005. The Rajya Sabha was then prorogued by the President on 17 May 2005.

A resume of some of the important discussions held and other business transacted during the Session is given below:

A. STATEMENTS / DISCUSSIONS

Motion of Thanks to the President for his Address to Members of Parliament: On 25 February 2005, the President of India, Dr. A.P.J. Abdul Kalam addressed the members of both the Houses of Parliament assembled together in the Central Hall of Parliament House. The Motion of Thanks to the President for his Address was moved by Dr. Karan Singh of the Indian National Congress on 3 March 2005. The Motion was seconded by Shri Vayalar Ravi of the Indian National Congress. The discussion took place on 9 and 10 March 2005.

Taking part in the discussion* on 9 March 2005, the Leader of the Opposition, Shri Jaswant Singh expressed his concern over the manner of appointment and functioning of the Governors of States with particular reference to the imposition of the President's rule in Goa. On the question of internal security, he alleged that there were serious differences of opinion within the United Progressive Alliance (UPA) Government. He was critical of the manner in which issue of the North-east had been handled not only by the UPA Government but also by the previous Congress Governments. Despite silent invasion of illegal immigration year after year, the Government of West Bengal did not recognize the gravity of the problem. He disapproved of the Government's stand of

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* Others who participated in the discussion were: Sarvashri P.G. Narayanan, Ravula Chandra Sekar Reddy, Gandhi Azad, Shankar Roy Chowdhury, Sharad Anantrao Joshi, Manoj Bhattacharya, Anand Sharma, Janeshwar Mishra, Pyarimohan Mohapatra, Ashwani Kumar, Tariq Anwar, C. Ramachandraiah, R. Shunmugasundaram, Dr. P.C. Alexander, Dr. Prabha Thakur, Dr. Bimal Jalan, Dr. K. Kasturirangan, Prof. Saif-ud-Din Soz, Smt. Prema Cariappa, Smt. Sushma Swaraj, Smt. Kum Kum Rai and Smt. Sarla Maheshwari

holding talks with the Maoists when the latter had not given up arms. Shri Jaswant Singh stated that though there was an urgent need for Central intervention and the imposition of President's rule in Manipur, the UPA Government was reluctant to do so as Manipur was ruled by the Congress Government. Expressing his apprehensions on the issue of Iran and the future of Iraq, he said that the Western world had selectively applied itself on the issue of nuclear proliferation and advocacy of democracy.

Shri R.K. Dhawan of the Indian National Congress said that based on the six principles of governance contained in the Common Minimum Programme of the United Progressive Alliance (UPA), seven priority sectors comprising agriculture, infrastructure, employment, education, rural upliftment, and healthcare had been identified by the Government. The Rural Infrastructure Development Fund had been revived with a corpus of Rs.8,000 crore. The UPA Government had introduced the National Employment Guarantee Bill which would ensure 100 days of job to a person in every family in 150 backward districts. He complimented the Government for raising public spending on education, its intention to upgrade 100 Industrial Training Institutes (ITIs), launching of the Universal Health Insurance Scheme for poor families, its plan to launch a National Rural Health Mission to improve access to healthcare for the weaker sections of the society, for taking measures to bring people of the North-eastern States into the national mainstream and for taking initiatives to bring Jammu and Kashmir to the national mainstream. A massive Development and Reconstruction Plan had also been approved. Both domestic and foreign investments had increased and the Government had successfully contained the rising inflation. The investment in infrastructure had accelerated and the Government was planning to have world-class railway system and urban metro rail in all major cities. He asserted that no profit-making public sector undertaking would be disinvested.

Shri Nilotpal Basu of the Communist Party of India (Marxist) emphasised the need for preserving secularism in order to ensure democracy in the country. Referring to the Jharkhand issue, he stressed upon the need to reinvent and re-establish the principle of checks and balances amongst the three pillars of the constitutional system–Executive, Legislature and the Judiciary. The issue relating to the role of the Governors should be discussed by all the parties and if need be, a constitutional amendment could be brought in this direction. He stated that the President's Address focused on energising the rural areas and increasing public investment in the field of social sector development including education, health, agriculture and rural infrastructure. He urged the Government to extend

the reservation provisions for the Scheduled Castes/Scheduled Tribes (SC/STs) to the private sector organisations also. He held that the Aviation Policy of the Government was not transparent, going by the manner in which the Government was planning to privatise the airports. Regarding the telecom sector, he said that though teledensity had gone up it was limited to only urban areas.

Replying to the discussion on 10 March 2005, the Prime Minister, Dr. Manmohan Singh reiterated the Government's commitment to bring the Women Reservation Bill to provide reservation of 1/3 of the total seats in Parliament and State Legislature for women before the Parliament as early as possible. The Government had identified several priority sectors like education, health, employment, agriculture, urban renewal and infrastructure for the development of the country. With regard to education, he said that the Government had imposed education cess and the budget of the Ministry of Human Resource Development rose to an all-time record of Rs.19,000 crore. The Mid-day Meal Scheme was universally being made available to all children in schools and the *Sarva Shiksha Abhiyan* was being expanded at a faster pace. Regarding the health sector, he informed the House that the Government intended to launch the National Rural Health Mission shortly which would reach out to the people at the lowest levels. On the issue of employment, he stated that in 150 districts of the country, the Food-for-Work Programme was in operation and the Government had also come up with the National Employment Guarantee Bill.

Terming the farmers' suicide as a national shame, he said that the Government was planning to double the flow of rural credit in the next three years and it had devised the National Horticulture Mission which would be a harbinger of a new, second green revolution. The Government had undertaken revitalisation of the National Agricultural Research System based on the Report of the Swaminathan Committee and it also planned to come forward with a new Micro Irrigation Programme very soon. The Accelerated Irrigation Benefit Scheme was also being expanded at a faster pace. The urban renewal was another priority area and the Government planned to come forward with an Urban Renewal Mission with an initial outlay of Rs.4,000 crore. He laid emphasis on the need for the effective use of science and technology in the development processes of the country and informed that a Knowledge Commission would soon be set up to address the issues related to the quality of education in the country.

Dr. Singh further said that the challenges to the internal security situation called for purposeful cohesive action based on broad national

consensus. The administrative mechanisms had to be strengthened to deal with the challenges posed by cross border terrorism, narcotics, drug trafficking, etc. He asserted that Manipur was relatively peaceful after the UPA Government took office. Linking insurgency in the North-east to the lack of employment opportunities, he assured the members that the Central Government would work with the North-eastern States to generate more employment opportunities. With regard to Nagaland, he said that negotiations with the National Socialist Council of Nagaland (*Isak-Muivah*) would continue but these would be conducted within the country.

As regards the State of Jammu and Kashmir, he stated that election to the local bodies was another big democratic experiment in the State and as a result, the level of infiltration and violence had gone down there. He also informed the House that the Government planned to take electricity to every village of Jammu and Kashmir. Referring to naxalism as a multi-sided problem, he said that the Central Government was helping the States to strengthen their police and intelligence machinery to deal with the problem.

The Prime Minister stated that the foreign policy of the country was based on the widest possible national consensus. The Government believed in greatly enhancing the intra-regional trade, investment and people-to-people interaction for the mutual benefit of all the nations in South Asia. He said that the Government aimed to promote a sense of partnership in the region to realise the vast, untapped economic potential and it would make every effort to engage constructively with all neighbours bilaterally as well as through the forum of the South Asian Association for Regional Cooperation (SAARC). In case of Pakistan, he said that efforts were made to expand people-to-people relations through Confidence Building Measures (CBMs) and stated that India was willing to discuss all issues including Jammu and Kashmir with Pakistan. With regard to Nepal, he reiterated India's stand that constitutional monarchy and multi-party democracy were twin pillars of stability in that country. He added that substantial interactions were held with leaders from various countries including Mr. Vladimir Putin, the President of the Russian Federation, Mr. Tony Blair, the Prime Minister of the United Kingdom, Mr. George W. Bush, the President of the United States of America (USA), Wen Ziabao, the Premier of China, Koizumi, the Prime Minister of Japan as well as leaders from Afghanistan, Myanmar, Nepal, Bhutan and Sri Lanka. He said that the Government was supportive of the electoral process in Iraq and it had articulated its consistent position on the need for a durable solution to the problem between Israel and Palestine. He reiterated

India's commitment to strengthening the international efforts to prevent proliferation of weapons of mass production and their means of delivery. He clarified that India stuck to its stand of not being the source of proliferation of nuclear technology. He reiterated the Government's commitment to maintain high rates of economic growth which would create new employment and entrepreneurial opportunities.

All the amendments moved were either withdrawn or negatived. The Motion of Thanks was adopted.

The Budget (General), 2005-2006: The discussion in this regard took place on 17 and 18 March 2005. Initiating the discussion on 17 March 2005, Dr. Murli Manohar Joshi of the Bharatiya Janata Party welcomed the Budget as it incorporated the concept of gender budgeting for the first time and for increased allocation for education sector. He, however, urged the Minister of Finance to mobilise more resources for education as 'Education for all' was a very important scheme. He criticised the Budget for the increase in the fiscal deficit and a 7.8 per cent decrease in the Union Excise Duty. Referring to the increasing burden of the loan on the Centre and the States, he said that there had been an increase in the interest payment from Rs.1,22,905 crore in 2004-05 to Rs.1,33,945 crore in 2005-06. He stated that the shortage of liquidity in the market would mar the growth of the industries which in turn would lead to decline in growth rate and employment. He expressed his doubt on the Government's commitment to irrigate one crore hectare additional land and to create one crore new employment opportunities in five years. He said that the market standardisation of the agro-products would benefit the big farmers only and urged the Government to take necessary measures to help the small farmers.

Participating in the discussion,* Shri Jairam Ramesh of the Indian National Congress stated that the Central Assistance for the States and Union Territority Plans had gone up from Rs.57,000 crore to Rs.63,000 crore. The Plan Expenditure also increased substantially and there was an increased allocation in important sectors of the economy including health and family welfare, *Sarva Shiksha Abhiyan*, the Mid-Day Meal

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* Others who participated in the discussion were: Sarvashri Lalit Suri, R.P. Goenka, Shankar Roy Chowdhury, Moolchand Meena, C. Ramachandraiah, Lalitbhai Mehta, Shahid Siddiqui, Arun Jaitley, K. Chandran Pillai, Gandhi Azad, B.J. Panda, R.S. Gavai, N.K. Premachandran, Raashid Alvi, Abu Asim Azmi, Sharad Anantrao Joshi, Tariq Anwar, Ekanath K. Thakur, Kamal Akhtar, T.S. Bajwa, R. Shunmugasundaram, Vidya Sagar Nishad, Prof. Saif-ud-Din Soz, Dr. K. Malaisamy, Dr. T. Subbarami Reddy, Dr. P.C. Alexander, Shrimati Mohsina Kidwai, Shrimati Jaya Bachchan and Shrimati Maya Singh

Scheme and child welfare. The Budget had significantly stepped up the level of public expenditure in five basic sectors of health, education, nutrition, employment and agriculture. He stated that the Budget had devolved nearly 80 per cent of the resources, purely on the basis of population, benefiting the poorer States like Bihar, Uttar Pradesh, Orissa, Chhattisgarh, Jharkhand and Rajasthan which would help in tackling the problems of regional disparities in a substantive manner. He welcomed the Budget for bringing together four or five elements of rural infrastructure such as irrigation, roads, water supply and rural telecommunications under the new rubric of *Bharat Nirman* Programme. He said that the Budget provided many incentives for the promotion of the manufacturing sector in general and textile industry in particular, providing opportunities for mass employment. He said that the tax rates proposed in the Budget were internationally comparable. He said that the fringe benefits were taxed all over the world and the Government should not give up the idea of the Fringe Benefit Tax. On the issue of black money, he however said that it was a deep-rooted problem of the economy which cannot be tackled by imposition of the Cash Withdrawal Tax. The Fiscal Responsibility and Budget Management Act, 2003, would prove to be a serious effort in the direction of collecting tax arrears and the Non-Performing Assets (NPAs). Expressing concern over the issue of the agricultural credit, he said that the commercial banks accounted for two thirds of the agricultural credit, whereas the co-operatives and the Regional Rural Banks (RRBs) together accounted for the remaining one-third and therefore urged the Government to do the needful otherwise the cooperatives and the Regional Rural Banks would cease to exist.

Dr. Bimal Jalan (Nominated Member) said that most of the fiscal deficit of the Government was revenue deficit which was going into salaries and revenue expenditure without creating jobs or infrastructure. He requested the Minister of Finance to watch the outcomes of the Budget. He emphasised the need for simplification of the procedure of filing of tax returns and making the Value Added Tax (VAT) better and simple. On the issue of the Fringe Benefit Tax, he opined that the new system created more complications and called for stabilization of the tax rates.

Shri Chittabrata Majumdar of the CPI(M) stated that the Budget was quite satisfactory as the outlays in different sectors such as agriculture, rural development, health and the human resource development had been increased. However, with regard to employment generation, he opined that sufficient steps had not been taken by the Government in the Budget. De-reservation of items from the small-scale sector, he felt,

would lead to the closure of many units rendering several workers unemployed. He pointed out that the Budget made no reference to the problems of industrial sickness in the private sector. He stated that out of the 5000 industries registered in the Board for Industrial and Financial Reconstruction (BIFR), 4800 belonged to the private sector. The general tendency was to close the public sector industries and hand them over to the private sector whereas the latter was not in a position to run the industries viably. On resource mobilization, he said that the Tax-Gross Domestic Product (GDP) ratio of the country was too low and stressed the need for widening the base of the high-end tax payers and recovery of the Non-Performing Assets.

Shri Dinesh Trivedi (All India Trinamool Congress) said that since the planned capital expenditure was to be decreased in the Budget, it would give rise to unemployment. The ratio of loan and grants from the Government of India to the States had been 70:30 which should have been reversed as per the recommendation of the Twelfth Finance Commission. He said that the total tax received was slated to increase by 21 per cent but the projection of 34 per cent increase in corporate tax collection was unreasonable. He also said that the Cash Withdrawal Tax violated the basic principle of fiscal jurisprudence of not taxing the same income twice. Regarding defence expenditure, he said that on the one hand the Government claimed that relations with the neighbours were getting better and on the other, the defence expenditure had been increased by Rs.6000 crore.

Replying to the discussion on 18 March 2005, the Minister of Finance, Shri P. Chidambaram said that there would be a growth of 6.9 per cent in the year 2005; inflation had been brought down from a high of 8.7 per cent to less than 5 per cent; industrial production had increased by 8.4 per cent during April-December 2004; foodgrain stock as on 1 January 2005 was 21.69 million tonnes; foreign exchange reserves were 137 billion dollars; and exports and imports had grown by 25.6 and 34.7 per cent respectively. He asserted that over the years, the Government had evolved consensus on foreign policy, defence and matters relating to the Scheduled Castes and the Scheduled Tribes and it was near to evolving consensus on the economic policy. He reiterated the Government's commitment to promote high growth in industry, services, agriculture and manufacturing. To implement the National Common Minimum Programme (NCMP), the Government had provided Rs.75,000 crore in the Budget as against Rs.50,000 crore in the current year.

The Finance Minister further said that the budgetary allocation for different programmes such as the *Sampoorna Grameen Rojgar Yojana*, the National Food-for-Work Programme, the *Swarna Jayanti Gram Swarojgar*

Yojana and the *Pradhan Mantri Gram Sadak Yojana* was more than the allocation made for the current year. Referring to the capital expenditure, he stated that while preserving the level of Capital expenditure on important areas, the Government had sharply increased the revenue expenditure also. The centre piece of the expenditure programme of the Government was the *Bharat Nirman* programme which was a well considered response to what was needed to be done. It was a collection of sound programmes which involved the cooperation between the Centre and the States. The Centre provided bulk of the funds and the States also put in their resources to achieve the targets.

Regarding the education sector, Shri Chidambaram said that the Government was committed to achieving the target of 6 per cent allocation for education. The education cess was estimated to be Rs.4,910 crore but the actual collection could be Rs.5,010 crore. He added that the expenditure on the Mid-day Meal Scheme and the *Sarva Shiksha Abhiyan* would be Rs.7,493 crore. Allaying the fears of some members, that the small scale industries were being closed down, he said that the Government would ensure that the small and medium enterprises sector was a thriving, growing and flourishing sector as it provided jobs. The Government would bring a bill, i.e., the Small and Medium Enterprises (Development) Bill. The Small and Medium Enterprise Growth Fund with a corpus of Rs.500 crore had also been set up to boost these enterprises. On the National Highways Development Programme (NHDP), he said that in the previous 255 days, ending 31 January 2005, the NHDP had four-laned through contractors 1921 km. at a rate of 7.53 kilometres per day. On the issue of investment and disinvestment of the Public Sector Undertakings (PSUs), he said that the Government was committed to efficient, modern and technologically progressive PSUs and it was providing both equity and loan funds to the profit making PSUs. The proceeds of the disinvestment would be put in the National Investment Fund which would be used for education, health care and revival of the public sector. The Government was emphasising the need for achieving the common objective of improving the quality of implementation of development programmes and it would deliver developmental outcomes as well as high growth in the years to come, the Minister concluded.

The Budget (Railways), 2005-2006: The discussion on the Railway Budget 2005-06 took place on 14, 16 and 17 March 2005. Initiating the discussion, Shri Pramod Mahajan of the Bharatiya Janata Party said that though there was no increase in the passenger fares in the Budget, goods freight had been increased in the name of simplification of categorisation which alone had fetched an amount of Rs.650 crore to

the Railways. Many announcements made in the previous Budget (2004-2005) remained to be implemented. He added that announcements such as 'Village on Wheels' scheme, refrigerated parcel van for carrying milk, fruits and vegetables, the use of *khadi, lassi* and *Kulad*, providing minimum basic passenger facilities by March 2005 including ramps, separate toilets and parking system for the handicapped were made merely for gaining popularity. He said that there was no effort to increase the Railways' share in passenger and goods traffic or to introduce new techniques in the railways. He criticised the Budget for not mentioning about safety and passenger facility. He added that the biggest challenge was the payment of pension to retired employees. He urged the Government to make all efforts to complete the Kashmir Valley Rail Project by the year 2008 and ascertain the feasibility of an underground railway service in Mumbai.

Participating in the discussion* Maulana Obaidullah Khan Azmi of the Indian National Congress said that a Special Railway Safety Fund was established in the year 2001-02 and Rs.12,000 crore was allocated to the Fund to speed up the railway safety projects within six months. Though there was a reduction in the number of railway accidents by December 2004 as compared to the year 2001-02, proper and full safety arrangements were yet to be made. He pointed out that the Railway Policy Framework needed modernization. There was a hike in the annual plan expenditure for the year 2005-06 as compared to the year 2004-05. He said that few projects in the North-east had been declared national projects by the Prime Minister. He urged the Government to consider the electrification and doubling of the railway lines in the Ujjain-Indore and Dewas-Maksi sections. He said that Srinagar was deprived of railway facility as all the railway projects ended in Jammu. He requested the Government to extend catering facilities given to the guards, to drivers and T.Ts.

Shri Prasanta Chatterjee (CPI-M) said that in the Budget there was

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* Others who participated in the discussion were: Sarvashri Ravi Shankar Prasad, B.K. Hariprasad, Sanjay Raut, Bhagwati Singh, Silvius Condpan, Tarini Kanta Roy, Harendra Singh Malik, Vidya Sagar Nishad, Pyarimohan Mohapatra, Urkhao Gwra Brahma, C. Perumal, Ram Narayan Sahu, G.K. Vasan, N.K. Premachandran, Surendra Lath, Dwijendra Nath Sharmah, R. Shunmugasudaram, Kripal Parmar, Nand Kishore Yadav, B.S. Gnanadesikan, T.S. Bajwa, Vijay J. Darda, Datta Meghe, S. Anbalagan, V. Narayanasamy, Abu Asim Azmi, Shankar Roy Chowdhury, Rudra Narayan Pany, Prof. P.J. Kurian, Dr. Bimal Jalan, Dr. P.C. Alexander, Dr. M.S. Gill, Shrimati Bimba Raikar, Shrimati S.G. Indira, Shrimati Vanga Geetha, Shrimati Savita Sharda, Shrimati Jamana Devi Barupal, Shrimati Kamla Manhar, Shrimati N.P. Durga and Kumari Nirmala Deshpande

no hike in the passenger fare and the freight on many items. Expressing concern over the slow progress in the electrification work of the Railways, he said that faster electrification programme would reduce India's dependence on diesel besides being an eco-friendly system. The proposed rationalisation of freight structures might result in increase in the prices of food grains, pulses and certain chemical fertilisers which would affect the common people. On the safety programme of the Railways, he said that from 1999-2000 to 2004-05, expenditure on safety related plan varied from 22-35 to 33-35 per cent. No new railway line had been proposed for the States in the North-eastern region other than Assam. He demanded that the construction of railway line from Agartala to Sabroom and from Agartala to Akhaura of Bangladesh should also be taken up as a matter of priority. In all the metropolitan cities, particularly which were having minimum road space and having the highest density of population, the metro should be extended and connected with the airport and important stations to minimize the transport problems in the cities.

Shri K. Rama Mohana Rao (TDP) said that the container movement was growing at a pace as high as 17 per cent per annum due to spurt in imports and exports. He appreciated the decision of the Railway Minister with regard to allowing organisations, other than the Container Corporation of India Ltd. (CONCOR) for movement of container traffic and welcomed the move to introduce double-stack container trains providing respite to cement, steel and other industries. He added that since there was stiff competition between the Railways and road transportation for movement of goods, there should be an increase in the fares of higher classes to generate revenue rather than imposing higher rates on commodities which affected the people. He commended the Indian Railways for taking up a six-month public awareness campaign through the "Hospitals-on-Wheels", called "Red Ribbon Express" in collaboration with the National Aids Control Organisation (NACO) and the Rajiv Gandhi Cancer Foundation. Expressing concern over the modernisation of the Bridge Management System for safe journey, he said that it did not find mention in the Budget. He urged the Government to introduce the Anti-Collision Device (ACD) immediately to minimise accidents.

Replying to the discussion on 17 March 2005, the Minister of Railways, Shri Lalu Prasad said that the non-increase in passenger fares would not adversely affect the financial condition of the Railways. A railway modernisation plan for the period 2005-2010 had been formulated for the all round development and modernisation of the Railways. On the rate of growth in the freight loading sector, he said that after a long time, the Railways increased its share in the goods transport market and

accordingly the target of the freight loading had been increased from 550 million tonnes to 600 million tonnes during the current financial year. There was an increase of 3 per cent in the number of passengers during 2003-04 and it was likely to go up to 6 per cent during 2005-06.

Allaying fears of the members with regard to reduction of the budgetary support to the Railways, he stated that a budgetary support of Rs.8,857 crore had been received for the year 2005 and for the next year it would be Rs.7,231 crore. Apart from this, Rs.3,775 crore plan outlay was also likely to increase to Rs.4,718 crore and Rs.1,725 crore had also been provided in the development fund. Stating that security and safety in the Railways was one of the top priorities of the Government, he said that there was considerable decline in the number of train accidents. A sum of Rs.17,000 crore had already been spent under the Special Railway Safety Fund and a provision of Rs.4,233 crore had been made for the Special Railway Safety Fund and the Railway Safety Fund in the year 2005-06. The recruitment campaign for filling up of the vacancies in and a scheme for modernisation of the Railway Protection Force were being pursued vigorously. He refuted the allegations made by some members that some States had been discriminated against with regard to the allocation of funds. He said that all efforts were being made for making sufficient funds available to the various ongoing projects and in this regard, a special scheme called '*Sudoor Kshetra Rail Sampark Yojana*' for completing the pending projects within five-year period was to be launched. He clarified that *Sampark Kranti* express and some other trains announced in the previous Budget could not be introduced in certain States as the Model Code of Conduct was in force due to the Assembly elections. He assured the House that the remaining trains would be started in the month of March 2005 and the Budget provided for introduction of 54 additional trains and increasing the speed of existing 30 trains. He proposed to introduce a Mail Express Train between Kanpur and Mumbai, and said that the Prime Minister would inaugurate the newly completed railway line between Jammu to Udhampur in the month of April by flagging off the "Uttar Kranti Express" between Udhampur and New Delhi. With regard to the unmanned gates on railway crossings, he stated that a signalling system would be provided by posting personnel on the unmanned gates under a time bound programme. He assured the House that the Indore-Ujjain rail track would be electrified and due consideration would be given for introducing a new train from Tirupathi to Shirdi and Puttaparthi.

Statement regarding the constitution of the National Disaster Management Authority: On 10 March 2005, the Minister of Home Affairs,

Shri Shivraj V. Patil made a statement in the House regarding the constitution of the National Disaster Management Authority. Making a statement, the Minister of Home Affairs said that in the light of some major disasters in the past few years, a need was felt for an institutional mechanism which would facilitate drawing up and implementation of plans and projects for mitigation of disasters; taking appropriate preparatory measures by various authorities/departments; and for coordinating response and relief after a disaster strikes.

He stated that the approach to disaster management had so far been reactive, responding to disasters only after they had occurred and insufficient attention had been paid to mitigation. Though the country responded promptly and effectively to the recent Tsunami, it was felt that the response to future disasters could be better if appropriate preparedness and capacity measures were put in place. A need had also been felt to vest the coordination mechanism with the necessary legislative back up to enable holistic coordination of resources for response. In view of the above requirements, the Disaster Management Bill, 2005 was proposed to be introduced in the Budget Session of the Parliament. The Bill proposed to provide for the requisite institutional and coordination mechanism and powers for undertaking mitigation measures as also mechanism for ensuring preparedness and capacity building to handle disasters during the interim period. It proposed to set up a National Disaster Management Authority and associated Committees by executive orders immediately, in accordance with the provisions of the proposed Bill. He added that action had already been taken to earmark eight battalions of the Central Para Military Forces, from their existing strength, for being trained and equipped to function as specialist response teams. Training of trainers for responding to the natural disasters had been completed. Similar training for responding to radiological, biological and chemical emergencies had also been undertaken. In addition, 18 specialist response teams had been trained for responding to the natural disaster. Since communication was of utmost importance in coordinating the response to a disaster, an Emergency Communication Plan had been approved and was under implementation for providing communication linkages among National, State and District level Emergency Operation Centres and the Mobile Communication Units were to be set up at the sites of the disasters.

The National Institute of Disaster Management was set up through an executive order in October 2003. After the passage of the Bill, necessary notification for setting up of the National Institute of Disaster Management would be issued with appropriate modifications, if any, to ensure that it conformed with the law, the Minister concluded.

Statement of the Prime Minister, Dr. Manmohan Singh regarding recent visits of the Chinese Premier and the President of Pakistan: On 20 April 2005, the Prime Minister, Dr. Manmohan Singh made a statement in the House on recent visits of the Chinese Premier and the President of Pakistan to India. In his statement, the Prime Minister said that during the State visit of the Chinese Premier, Wen Jiabao to India from 9 to12 April 2005, a Joint Statement and eleven other agreements were signed and the report of the India-China Joint Study Group on comprehensive trade and economic cooperation was released. Both sides recognised that India-China relations had entered a new phase of comprehensive development. In the Joint Statement, it was agreed to establish a "Strategic and Cooperative Partnership for Peace and Prosperity" between the two countries. A major outcome of the visit was the 'Agreement on the Political Parameters and Guiding Principles for the Settlement of the India-China Boundary Question' which set out, for the first time ever, principles for an overall political settlement of the India-China boundary question in the context of the "overall and long-term interests" of the two countries. He, however, stated that a final boundary settlement was still quite some distance away. The two sides agreed to strictly respect and observe the Line of Actual Control (LAC), maintain peace and tranquillity in the border areas and expedite the work of clarification and confirmation of the LAC. The Chinese Premier clarified that China regarded Sikkim as an "inalienable part of India".

The Prime Minister stated that the understandings reached during the visit would also give a major fillip to the economic dimension of the relationship between the two countries. It was also agreed to establish an India-China Joint Economic Group, co-chaired by the two Commerce Ministers, to oversee facilitation and expansion of trade in goods and services, investment flows and other areas of economic cooperation. Both sides also agreed to set up a Joint Task Force to examine the feasibility and benefits of Trading Arrangements. Both agreed, *inter alia*, on the importance of comprehensive reforms in the United Nations (UN) system. China supported India's desire to play an active role in the UN and international affairs.

Speaking on the visit of the President of Pakistan, General Pervez Musharraf to India from 16 to 18 April 2005, the Prime Minister said that he had invited the President of Pakistan to watch the cricket match between India and Pakistan in New Delhi and the opportunity of his presence in India was used to hold substantive discussions on a wide range of bilateral issues. A Joint Statement was issued which took stock of the Indo-Pak relations and outlined the ideas and activities

agreed upon to move the Indo-Pak bilateral relationship forward. During the talks, the progress made in the bilateral relations through the confidence-building measures, people-to-people contacts and enhancing areas of interactions was reviewed and both expressed their determination to build on the momentum already achieved. He underlined the need to multiply beneficial linkages of trade and transit, including the gas pipeline. Both agreed on several forward-looking measures to increase interaction between the countries, including restoration of the rail link between Khokrapar and Munnabao.

The issue of Jammu and Kashmir was also discussed in a positive atmosphere. The Prime Minister emphasized that while redrawing of boundaries was not possible, all measures that could bring the people on both sides together, including increasing the transportation linkages to facilitate greater movement of people and trade across the border and the Line of Control would help the process and create an atmosphere of mutual trust and confidence. President Musharraf also stressed the importance of addressing the Jammu and Kashmir issue. The Joint statement contained a pledge that terrorism would not be allowed to impede the peace process between the two countries.

While expressing satisfaction with the progress achieved in the talks during the visit, he stated that the threat to the peace process from extremist forces and terrorist organizations had not been eliminated. Therefore, he had mentioned to the President of Pakistan that the whole process of serious and sustained dialogue hinged on building an atmosphere of trust and confidence, free from violence and terror. He stated that in the year 2004, the two countries successfully concluded one round of the Composite Dialogue and the next round was underway. Diplomatic and other links were normalised and restored to the pre-December 13, 2001 level. Reiterating India's commitment to peace and friendship with Pakistan, the Prime Minister said that both countries had to invest in the ongoing process of engagement and confidence building for creating a durable cooperation and constructive relationship.

Statement by the Minister of Health and Family Welfare, Dr. Anbumani Ramdoss regarding Meningococcal Disease: On 6 May 2005, the Minister of Health and Family Welfare, Dr. Anbumani Ramadoss made a statement in the House regarding Meningococcal Disease. The Minister said that meningococcal disease was an acute bacterial disease caused by the bacterium Meningococcus and was manifested by sudden onset of fever, severe headache, nausea and vomiting, stiff neck and frequently a petechial rash with pink macules and very rarely vesicles often accompanied by delirium and coma.

He appealed to the people not to get panicky since the disease was amenable to antibiotic treatment and there were sufficient stocks of medicines. Facilities for rapid diagnosis of the disease were available at the National Institute of Communicable Diseases (NICD). Guidelines for prevention of disease transmission including chemoprophylaxis had been provided to concerned health authorities in consultation with the World Health Organisation (WHO). He asserted that the situation was under control and was being regularly monitored.

Replying to the points raised by the members, Dr. Ramdoss stated that the Government took steps to educate the public through print and electronic media and through loudspeakers in various parts of Delhi. He ruled out any epidemic like situation. It was only a bacterial disease which could easily be cured or treated by simple and less expensive antibiotics available in the market. However, it was required to take the patients immediately to the hospital because delay turned the disease into bacteraemia, that is, the bacteria entered into the blood. He further stated that the vaccines were sufficiently available. He also stated that vaccinating everybody was not required. Vaccination was required only for those people who had been engaged with the affected individuals and people living in mass areas like hostels or jails where they lived together without much hygiene. However, there was no need to immunise the general public in the present situation.

So far as the preventive measures were concerned, the Minister said that the Government was closely reviewing the situation. It had decided to take up Rs.400 crore World Bank funded programme called 'Integrated Disease Surveillance Project' whereby, in three years time, in case of any death occurring anywhere in the country due to cholera or meningitis, etc. the State Government(s) and the Central Government would be notified within five-six hours under this Programme and immediate action would be taken. This would be initially implemented in three phases in nine States.

Short Duration Discussion on the situation arising out of the large-scale devastation caused by Tsunami on 26 December 2004: Initiating the discussion in this regard on 9 March 2005, Shri A. Vijayaraghavan of the Communist Party of India (Marxist) said that a large number of people would have been evacuated had there been sufficient prior warning about the Tsunami. There was absence of sufficient warnings not only in case of Tsunami but also in all kinds of natural calamities in the country. He wanted to know from the Government about the steps being taken by it to develop a system in the country to evacuate the people and save their lives from natural calamities. With regard to the rehabilitation

work, he said that Governments of the affected States had submitted rehabilitation proposals and the Central Government had allotted Rs.2,731 crore for the rehabilitation of the Tsunami victims. He complained that usually after a natural calamity, the problem of red tapism would hinder the benefits reaching the real victims. He asked the Government whether the announcements made were being implemented properly and whether there was any mechanism to monitor that the funds meant for rehabilitation work were not misused. He underlined the need to give specific attention to the problems of thousands of orphaned children and sought a comprehensive reply from the Government with regard to steps taken or proposed to be taken to resolve their problems. He urged the Government to give special attention to the Andaman Island as it had always been a victim of repeated natural calamities. He expressed concern over the threat to the lives of racial groups there. He expressed the hope that the Central Government would accept the proposals sent to it by the State of Kerala and would take necessary steps in this regard.

Participating in the discussion,* Shri V. Narayanasamy of the Indian National Congress termed the Tsunami as a great tragedy which affected thousands of people in the coastal areas of Tamil Nadu, Pondicherry, Kerala, Andhra Pradesh and Andaman and Nicobar Islands. He said that about 10,000 people died, 35,000 people were affected, 2000 kms stretch of coastal line affected, 1.4 lakh houses damaged and 4,200 hectares of cultivable lands had been damaged. On 27 December 2004, a day after the tragedy, the Home Minister visited all the affected States to review the situation and relief work and announced relief amount to the affected people. Apart from the immediate relief given to the affected people by the Government of India, special aid was also given to sustain their livelihood for some more days and the relief package to encourage the fishing community to restart their work as most of them had lost their boats and nets. While the funds were provided by the Central Government and the World Bank to further supplement the efforts of the State Governments, he suggested that the Government should establish a monitoring mechanism to ensure that these were properly utilized. He demanded that a 'Tsunami Warning System' should be installed within a minimum possible time, and the compensation given to the farming community should be increased as their lands had been rendered non-cultivable for the next twenty years.

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* Others who participated in the discussion were: Sarvashri Vayalar Ravi, N.K Premachandran, E.M. Sudarsana Natchiappan, R. Shunmugasundaram, Gireesh Kumar Sanghi and Dr. K. Malaisamy

Shri Uday Pratap Singh of the Samajwadi Party said that tall claims of triumph over nature laid exposed when calamities like Tsunami struck. Apart from the assistance provided by the Government, armed forces and the navy, the work of several Non Governmental Organisations (NGOs), social workers and the common public was commendable. He added that the Government and all associated people should work for the rehabilitation of orphaned children. He expressed concern at the reports of acts of corruption by the anti-social elements including some Government servants even during such crisis. He urged the Government to put some system in place so that people were warned well in time in case of the recurrence of such mishap.

Shri Ravula Chandra Sekar Reddy (TDP) said that the Tsunami tragedy affected 27.92 lakh people, destroyed 1,089 villages, killed 10,273 people and 5,823 people went missing. He sought information from the Government about the steps taken to fulfill the assurances given by it at an all party meeting regarding the proposed Bill on disaster management as well as an early warning system. He urged the Government to implement a total package for the fishermen who were the worst sufferers as there were reports of bankers creating some hurdles in the disbursement of loans. He stated that the existing disaster management bodies needed an overhaul in the country. He complained that the tribals in Andamans were not properly rehabilitated. He urged for the creation of a special fund which should be placed at the disposal of the concerned Chief Minister, whenever a calamity struck.

Replying to the discussion on 9 May 2005, the Minister of Home Affairs, Shri Shivraj V. Patil said that during the first few days after the disaster, the bodies of the deceased had to be extricated and cremated. Thereafter, immediate relief like shelter, food, clothing, etc. were provided to the survivors. In the second phase, temporary dwelling units were constructed for the victims in affected States. Referring to the difficulties faced by the farmers, he said that the State Governments and the Ministry of Agriculture were likely to be provided Rs.375.95 crore to see that the land degraded due to the flooding of the sea water was again made cultivable. Further, about Rs.1,130.97 crore would be made available for providing catamarans and various sized boats to the fishermen. Rs.1,370.01 crore and Rs.4,06.87 crore would be spent for the construction of roads and bridges and restoring the power supply machinery; Rs.284.32 crore for water and sewage; Rs.587.88 crore on social infrastructure and Rs.828.59 crore on environment and coastal protection. He stated that wall like structures like the one at Marine Drive in Mumbai would be constructed at places like Nagapattinam and mangroves would also be

grown at different places to protect the wall. A Core Group in the Ministry of Planning was constituted which, in consultation with the State Governments and experts and officers in the Ministries in the Government of India, was looking at the requirements in different affected areas. The Non-Governmental Organisations (NGOs) willing to construct houses, schools and hospitals in a village would be given the facility to do so. Regarding the problem of the orphaned children, he said that each of them had been given one or two lakh of rupees. He asserted that the Government concerned would take care of such children if their relatives were not able to do so. The Government of India had decided to have an early warning system and the responsibility for establishing such a system was given to the Department of Ocean Development for which Rs.125 crore would be spent. He further stated that the Government was likely to introduce the National Disaster Management Bill shortly. In this regard, the Government intended to establish a three-tier disaster management authority at the national, state and district level, the Minister concluded.

Short Duration Discussion on suicide by farmers in various parts of the country: A Short Duration Discussion on the issue took place in the House on 22 March 2005. Initiating the discussion, Shri Ravula Chandra Sekar Reddy of the Telugu Desam Party said that since the assumption of office by the present Chief Minister of Andhra Pradesh, there were 2380 cases of farmers' suicide and 253 cases of starvation deaths in a period of ten months from 14 May 2004 to 22 March 2005. He said that, as per the Economic Survey of 2004-2005, there was a decline in the credit flow to agriculture and sought information about the amount given to the small and marginal farmers. The farmers were unable to get credit from the banks, though statistics showed that they were being given Rs. 1 lakh crore. He urged the Government to concentrate on agriculture especially on small and marginal farmers, post-harvest mechanisms and on providing the Minimum Support Price to the farmers for their produce. He requested the Government to have a fresh look at the National Agriculture Insurance Scheme and, if possible, to bear the premium for the small and marginal farmers.

He said that relief to the farmers should be provided in three phases. Firstly, instant relief could be given by way of waiving off all the loans taken by the farmers in Andhra Pradesh; secondly, intermediate relief should be given by providing money for the irrigation projects and improving the standard of farming community; and thirdly, long term measures like giving employment to those dependent on agriculture and allied industries needed to be encouraged. He requested the Minister of Agriculture

to give a special package to help the farming community in Andhra Pradesh.

Participating in the discussion,* Dr. M.S. Gill of the Indian National Congress said that the issue of suicide by the farmers had been creeping into the country for quite some time and stressed upon the need for bringing back the Debt Conciliation Boards in Andhra Pradesh and other States to address the problem of the repayment of loans by the farmers. He urged the Government to choose twenty agricultural universities zone-wise, climate-wise and crop-wise to undertake the agricultural research and allocate Rs.500 crore for the said purpose.

Shri Venkaiah Naidu (BJP) complained of the poor media coverage of the suicide by farmers and said that the issue lacked adequate attention of the policy-makers, the parliamentarians, media and the country. There was neglect of agriculture and rural sector over the years. He demanded higher allocation of funds to the agriculture and a separate annual Agriculture Budget in order to address the problems of farmers. Tracing the cause of the suicides, he said that over the past years, the price of number of agricultural commodities had not been remunerative due to the rising costs of agricultural inputs which resulted into losses by the farmers who were unable not only to repay their old loans but also to arrange new loans to meet their farming requirements thereby forcing number of farmers to commit suicide. He urged the Government to work towards reducing the bank rate and making cheaper credit available to the farmers at their doorsteps and the rural areas, particularly the agricultural activities should get uninterrupted power supply. The benefits of research work undertaken in the agricultural sector should reach the farming community and it should be provided with good quality seeds at affordable prices. He further requested the Government to make arrangement for rural godowns as farmers were forced to go for distress sale of their produce.

Replying to the discussion, the Minister of Agriculture and Minister of Consumer Affairs, Food and Public Distribution, Shri Sharad Pawar said that the situation causing starvation deaths no longer existed in the country. He commended the farmers and the scientists for being able to produce 212 million tonnes despite inadequate agriculture lands due to the rising population. He stated that it was a paradoxical situation

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* Others who participated in the discussion were: Sarvashri Penumalli Madhu, Sharad Anantrao Joshi, P.G. Narayanan, Uday Pratap Singh, Motiur Rahman, Gandhi Azad, Manoj Bhattacharya, Jesudasu Seelam, Balavant alias Bal Apte, Bashistha Narain Singh, Tariq Anwar, V. Narayanasamy, Ekanath K. Thakur, Jairam Ramesh, Rudra Narayan Pany, Lalitbhai Mehta and Kumari Nirmala Deshpande

that on the one side farmers were committing suicide and on the other, India stood second in the world in the production of wheat and first in the production of rice, vegetables, fruits, milk, banana and mango. Giving the number of cases of suicides in different States, he said that there was a need to study the situation in Andhra Pradesh. Referring to the report prepared by an institute in Hyderabad called 'Manage', he said that a survey carried out by it revealed that majority of farmers who committed suicide owned holdings but did not have assured supply of water for irrigation and were under huge debt. Non-availability of quality seeds was another reason. The situation of irrigation projects was pathetic throughout the country and the States were not making sufficient allocation for the agricultural, irrigation and related activities. He added that the total money disbursed as agriculture credit reached a high of Rs.1,04,000 crore in the year 2004. In addition, the Reserve Bank of India also directed the commercial banks to disburse 18 per cent money for the agricultural sector, failing which their amount would be transferred to the National Bank for Agriculture and Rural Development (NABARD) for rural development. He said that in the next two years, the cooperative banks and credit cooperative societies would provide agriculture credit at the rate of about 8.5 to 9 per cent.

Referring to the report submitted by a group regarding irrigation constituted by the Government of India under the Chairmanship of Shri Chandra Babu Naidu, he said that the Government had accepted the scheme of micro irrigation and drip irrigation and a provision of Rs.400 crore had been made for this purpose in the budget this year. He also assured the farmers that the Government would inform them about the prices of each crop before sowing the crop and added that it would bring a change in the law in regard to the uncertified and unrecognised storage facilities in the country. He stressed the need for promoting horticulture as it would give employment to more people. He expressed his happiness that 16 States had showed their preparedness for effecting changes in the Agriculture Produce Marketing Act, which would allow the private sector to invest in the marketing sector. In order to tackle the problem of food security and to prepare the country for competing in the international market, he emphasised the need to increase the yield per hectare along with bringing down the cost of cultivation. He said that, last year, the Government had made a provision of Rs.780 crore for research in the Indian Council for Agriculture Research (ICAR) and it had been increased to Rs.1,000 crore this year. Lastly, he assured the House that steps would be taken to resolve the problem of loans given by the moneylenders to the farmers on higher rates of interest, so as to improve their situation.

Short Duration Discussion on the Report of the V.S. Malimath Committee on Reforms of Criminal Justice System: A Short Duration Discussion in this regard took place in the House on 10 May 2005. Initiating the discussion, Shri Fali S. Nariman, (Nominated), said that the Malimath Committee report visualised a law which would help ensure speedy prosecution and ultimate conviction in criminal cases. This high powered Committee was appointed in 2000 to suggest a new code of criminal procedure on some different concepts of criminal jurisprudence. He requested the Government to draft a Bill in accordance with the recommendations made by the Committee and said that the Bill could go to a Joint Committee of both the Houses for detailed discussion following which the agreed recommendations could be implemented.

He stated that it was important to have a law in this regard because the state of the criminal law in the country was very bad. Referring to the recommendations of the Malimath Committee, he mentioned that lack of adequate and competent manpower was one of the important problems for smooth functioning of the Judiciary. In this regard, a resolution was needed to be introduced in Parliament to set up an All India Judicial Service. There was urgency of a reform of the criminal law as the rate of disposal of criminal cases under the Indian Penal Code (IPC) by the courts in the country was merely 18 per cent. Referring to the vacations of the Supreme Court and High Courts, he opined that they should sit for longer hours. He also pointed out various other recommendations of the Malimath Committee pertaining to investigation of cases, prosecution, problem of hostile witnesses, etc. and urged the Minister to implement the recommendations at the earliest. Expressing concern over the crimes against women, he added that more women in the State legislatures and in Parliament would help improve the laws with regard to crimes against women. There should be a National Compensation Inquiries Board for paying compensation to the victims of crime.

Participating in the discussion,* Shri A. Vijayaraghavan of the Communist Party of India (Marxist) said while overhauling the criminal justice system, the interconnected acts such as the Code of Criminal Procedure (CrPC), the Indian Penal Code (IPC), Evidence Act, etc. should also be amended and safeguards to preserve the Fundamental Rights needed to be taken into consideration. Expressing concern over the proposed amendment in the Evidence Act and the Right of Silence of the accused, he said that in this regard, the recommendations of the Malimath Committee

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* Others who participated in the discussion were: Sarvashri Ravula Chandra Sekar Reddy, Raashid Alvi, R. Shunmugasundaram, Santosh Bagrodia and Prof. Ram Deo Bhandary

gave more powers to the police and the magistrate and therefore, utmost care and thought should be given while implementing the recommendations. On the recommendation relating to the burden of proof, he added that diluting the standard of proof from the existing would not help the poor. Any changes brought out on the basis of the recommendations of the Malimath Committee should take adequate care of the poor, downtrodden and women of the country, he added.

Dr. K. Malaisamy (AIADMK) said that in the democratic system of governance, the three pillars i.e., the Legislature, the Executive and the Judiciary should not override or encroach upon each other's jurisdiction. Though judiciary had a key role to play, many other agencies such as the police, the prosecuting agency and the prison department, etc. were also responsible for the effective functioning of the criminal justice system. He said that the huge pendency of cases in the courts, inordinate delay, a complicated and cumbersome procedure and lack of quality justice were the major causes for concern. He said that in India there were only twelve to thirteen judges for one million population while it was 75 in Canada and 41 in Australia. Dwelling upon the rights of the accused as mentioned in the Malimath Committee Report, he stated that admissibility of the confession by the accused before the police and forcing the accused to give his fingerprint, photograph and blood sample went against the accused. Empowering the police to intercept electronic and oral communication and using the same messages against the person amounted to infringement of the Fundamental Rights of the accused. He added that the Report had done a good job to protect the interests of the witnesses and providing compensation to them. The provision of registration and further investigation of a fact irrespective of it being cognizable or non-cognizable was a very important recommendation of the Committee.

Replying to the discussion, the Minister of Home Affairs, Shri Shivraj V. Patil said that the suggestion made by the Committee that 'the truth and not the proof' should be the principle in deciding the criminal cases, would be difficult to accept, and the same was the case with the right to silence. Elaborating further on the standard of proof, he said that the principle of 'beyond shadow of doubt' should be the paramount principle in criminal cases and the accused should be treated as innocent until he was convicted. On the admissibility of confession before the Police, he contended that it would make the Police an interested party in the prosecution which would go against the principle of trying to do real justice in the matter. Providing inherent power to the lower Judiciary would also create many complications. Taking note of the positive aspects

of the recommendations of the Committee, the Minister stated that the provision of the anticipatory bail, a Director of Prosecution, use of modern technology, the DNA test, etc., had already been incorporated into the CrPC. As regards the other recommendations of the Committee relating to the computerisation of lower courts and the modernisation of forensic laboratories, these suggestions were being implemented. On the suggestion relating to the separation of investigation wing from the main body of the Police, he stated that more funds were needed for this purpose, but it could be implemented only in big cities like Mumbai, Delhi, Bangalore, Kolkata, Chennai, etc. where it was possible to separate the two without increasing the number of staff. The issue of protecting the witnesses and giving compensation to the victims were also being considered and the Government would bring legislations in this regard. Keeping in view the complex nature of new crimes such as computer and electronic related crimes, law of patents, law of genetics, etc., there was a need for amendment of the IPC, the CrPC and the Evidence Act. Some suggestions regarding amendments to the Police Act were acceptable while others required discussion and the concurrence of the State Governments. With regard to the recommendation of the Committee on non-acceptance of the death penalty, he said that it had to be examined before reaching at an agreement on the issue. The onus of strengthening the criminal justice system was on the society, the Minister concluded.

B. LEGISLATIVE BUSINESS

Statutory Resolution seeking disapproval of the Patents (Amendment) Bill, 2005 and the Patents (Amendment) Bill, 2005:* Moving the resolution in this regard on 23 March 2005, Dr. Murli Manohar Joshi said that there was no objection so far as fulfilling India's commitment under the Trade Related Aspects of Intellectual Property Rights (TRIPS) agreement was concerned. He, however, sought to draw the attention of the House on various objectives of TRIPS. Article 1 of the agreement states that the member countries shall give effect to the provisions of the agreement and will be free to determine the appropriate authority for implementing the provisions of the agreement within their own legal system and practice. Therefore, as per the agreement, India was free to implement its various provisions in accordance with our legal system. He urged the Government to bear that in mind while implementing the provisions of the TRIPS. Further, he referred to article 8 of TRIPS which *inter alia*

* The Bill, as passed by the Lok Sabha, was laid on the Table of the Rajya Sabha on 23 March 2005

spoke of the measures necessary to protect public health and nutrition to be taken by the member countries while formulating or amending their patent laws or regulations. He was of the view that the law being sought to be enacted by the Government did not address the health and nutrition concerns of the poor. He stated that the issues of trade or business practice could not take precedence over the supreme value of human lives. He requested the House to disapprove the ordinance as it was against human lives.

Moving the motion for consideration of the Bill, the Minister of Commerce and Industry, Shri Kamal Nath stated that 'Patents' was an important subject and it was not proper to have any disagreement on it. The Bill under consideration had been passed by the Lok Sabha before it came to the Rajya Sabha.

Regarding the Patents Act, 1970 it was stated* that the first amendment to the Bill was brought in March 1999 which introduced a transitional facility ("mailbox") from 1 January 1995 to receive and hold product patent applications in the fields of pharmaceuticals and agriculture chemicals till 1 January 2005 and also for grant of Exclusive Marketing Rights (EMRs) for a period of 5 years or till the product patent was granted or patent application was rejected, whichever was earlier.

When the second amendment to the Patents Act, 1970 was moved, a Joint Parliamentary Committee (JPC) of both the Houses was constituted which examined all aspects and recommended various provisions in order to provide necessary and adequate safeguards for the protection of public interest, national security, biodiversity and traditional knowledge, including effective flexibilities to enable appropriate and timely response to the national and public interest concerns, especially those relating to public health and nutrition. These were included in the second amendment made in June 2002.

He said that the Patents Act was required to be amended further in respect of India's obligations under the Trade Related Intellectual Property Rights (TRIPs) Agreement, due from 1 January 2005. The time-frame for this set of amendments was most crucial as any slippage in meeting the 1 January 2005 deadline had the potential of inviting retaliatory action under the World Trade Organisation (WTO) disputes mechanism and this default would also have created a legal vacuum for the mailbox applications for the product patents, as there would not be any mechanism to deal with them, and would also have given an opportunity to the WTO

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* Excerpts from Statement of Objects and Reasons of the Bill

member countries to raise a dispute against India in the WTO. Moreover, there would have been an erosion of India's credibility in the international field. In these circumstances, it was considered necessary to bring in the required amendments in time and as the Parliament was not in Session, the Patents (Amendment) Ordinance, 2004 was promulgated by the President on 26 December 2004. The Patents (Amendment) Bill, 2005 which sought to replace the said Ordinance aimed to introduce product patent protection in all fields of technology and modify provisions relating to the Exclusive Marketing Rights (EMRs). It amended the provisions relating to patenting of software related inventions which had technical application in industry or in combination with hardware and also introduced a provision for enabling grant of compulsory licence for export of medicines to the countries which had insufficient or no manufacturing capacity to meet emergent public health situations and strengthened the provisions relating to national security to guard against patenting abroad of dual use of technologies.

Replying to the discussion,* the Minister said that the issues raised by Dr. Murli Manohar Joshi and members of the Opposition had already been examined in the Joint Parliamentary Committee and interactive session had been held with the scientists, academicians, economists, industrial representatives, journalists, the Non-Governmental Organisations (NGOs), the State Governments, and lawyers before the Bill was brought forward. With regard to the disagreement with the Left parties on the issue of elasticity relating to micro-organism or new entity, he said that the matter would be referred to the expert committee. On the issue of sovereignty, he said that India acceded to become a member of the WTO and nobody had thrust the WTO on India and with the changing of the world trade scenario, India also made changes in its trade regime. He expressed satisfaction over the technological development achieved by the Indian scientists to face the challenges of the post patent era. The amendments brought by Shri Yashwant Sinha and the concerns expressed by the left parties had been adequately taken care of. On the Patent Office and the implementation structure of the Act, adequate budgetary outlay had been made and four offices in Delhi, Kolkata, Chennai and Mumbai were in the final stage and new offices were also being set up. He expressed the hope that the new legislation would

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* Those who participated in the discussion were: Sarvashri Yashwant Sinha, Jairam Ramesh, Nilotpal Basu, Shahid Siddiqui, N. Jothi, Kapil Sibal, Fali S. Nariman, Gandhi Azad, Sharad Anantrao Joshi, Shankar Roy Chowdhury, Manoj Bhattacharya, Tariq Anwar, Ekanath K. Thakur, Dr. Bimal Jalan, Shrimati Vanga Geetha, Shrimati Kum Kum Rai and Shrimati N.P. Durga

strengthen the pharmaceutical industry in the country and it was a tribute to the scientists, laboratory technicians and a new generation of Indians.

The Resolution was negatived. All the amendments moved by Shri Yashwant Sinha were negatived. The motions for consideration of the Bill, clauses, etc. were adopted and the Bill was passed.

The Code of Criminal Procedure (Amendment) Bill, 1994: Moving the motion for the consideration of the Bill on 4 May 2005, the Minister of Home Affairs, Shri Shivraj V. Patil said that there was a need for amending various provisions of the Code of Criminal Procedure, 1973 for toning up the investigating machinery and process, strengthening the prosecution-related machinery, streamlining and improving procedures, especially from the point of view of expediting trial court procedures, tackling the problem of under trials and matters connected with the grant of bail and effecting other improvements. Accordingly, the Code of Criminal Procedure (Amendment) Bill, 1994 was introduced in the Rajya Sabha on 9 May 1994. The Bill was referred to the Parliamentary Standing Committee which considered the Bill and submitted its Report on 28 February 1996. The Report was examined in the Ministry of Home Affairs. He said that the National Democratic Alliance (NDA) Government could not finalise their views on the recommendations of the Committee but the United Progressive Alliance (UPA) Government further examined and considered the recommendations of the Committee and based on its recommendations, moved a list of official amendments to the Bill which had already been introduced in the Rajya Sabha. The recommendations of the Committee were largely accepted.

Replying to the discussion*, the Minister said that the reforms which the Government was trying to bring about in the Criminal Procedure Code were not the same and informed the House that the Government was going to introduce two more amendments to the Criminal Procedure Code. Regarding the point whether a person could be asked to be a witness against himself, he said that the judgment of the Supreme Court had distinguished between being a witness against himself on the one hand and helping the investigating officer to collect some information on the other, which was needed to help the investigation and provide real justice. He added that the principle of the anticipatory bail was

* Those who participated in the discussion were: Sarvashri E.M. Sudarsana Natchiappan, A.Vijayaraghavan, Fali S. Nariman, Raashid Alvi, Vasant Chavan, N.K. Premachandran, Ashwani Kumar, P.G. Narayanan, Dr. Prabha Thakur, Shrimati Ambika Soni and Kumari Nirmala Deshpande

being made a part of the Criminal Procedure Code and a person seeking it would now have to be present in the court and prove that a false case was filed against him and he was being falsely prosecuted. In bailable cases, the bail would be granted by the Police and in non-bailable cases, bail would be granted by the Court. The issues relating to custodial deaths, rape cases and disappearance of persons who were in the Police custody, had been considered by the jurists, lawyers and the Standing Committee and that a salutary provision had been made in this regard that such cases would be investigated by the Judicial Magistrate rather than by the Police. It had already been provided that a woman would be arrested only by a lady Police personnel, and she should not be arrested before sunrise and after sunset. With regard to detenues, he said that if a person had been in jail for more period than the period for which he could be imprisoned after the conviction, the case against him had to be dropped. The Bill sought to make the law more humane, the Minister concluded.

The motions for consideration of the Bill, clauses, etc. were adopted and the Bill, as amended, was passed.

*The Prevention of Money-Laundering (Amendment) Bill, 2005**: Moving the motion for consideration of the Bill on 11 May 2005, the Minister of Finance, Shri P. Chidambaram said that the Prevention of Money-Laundering Act, 2002 was enacted to prevent money-laundering and to provide for confiscation of property derived from or involved in money-laundering. The enactment of the Act had become necessary to implement the Political Declaration adopted by the Special Session of the United Nations General Assembly held in June 1999, which called upon the Member-states to adopt national money-laundering legislation and programmes. The Act, stipulated that it should come into force on such date as the Government may notify. However, while notifying the Act, certain lacunae were found which made it difficult to notify it. He said that under section 45 of the Act every offence punishable under the Act was made cognizable and by virtue of being cognizable, any Police officer could arrest an offender without a warrant. Section 19 of the Act empowered the Director, the Deputy Director or any other officer authorised to arrest an offender and, therefore, two set of officers could exercise the powers of arrest. To do away with the anomalies, amendments were made under sections 44 and 45 of the Act to make the offences non-cognizable. Once the Prevention of Money-Laundering Act came into force, a threshold limit

* The Bill, as passed by the Lok Sabha, was laid on the Table of the Rajya Sabha on 6 May 2005

would be prescribed, below which any Police officer would be authorised to take action. In all other cases, above the threshold limit, the powers would be vested in the Director or any officer authorised by him. Regarding the setting up of a separate Appellate Tribunal under the Act, he said that as it involved a huge expenditure, it was proposed to utilize the services of any existing Appellate Tribunal by notifying the Chairperson and Members of that Tribunal who possessed the qualifications as prescribed in the Act, and therefore some amendments were proposed in sections 28, 29 and 30 of the Act. He assured the House that in proposing those amendments, the Government was not diluting the impact of the Act and the only proposal of the amendments was to remove the lacunae and to make the Act enforceable so that it could be notified.

Replying to the discussion,* the Minister said that section 3 of the Act defined the offence of money-laundering. Money laundering was not necessarily the same as black money transactions. Black money was understood to be money that was not accounted and not offered for taxation. He stated that the difference and scope between the Prevention of Money-Laundering Act and the other steps that the Government were taking to deal with the phenomenon of the black money must be recognized. He said that with the gold import liberalisation, the smuggling of gold was virtually down. Regarding the electronic surveillance, he said that in some cases the courts had admitted the evidence while in some other cases the courts had not admitted such evidence. The Economic Intelligence Council (EIC) was set up sometime ago but had not met regularly and now it had been reconstituted with less number of members as it was too large. The reconstituted EIC would be chaired by the Finance Minister and it would meet after the Parliament session was over, and Revenue Secretary would chair the EIC at the operating level, the Minister concluded.

The motions for consideration of the Bill, clauses, etc. were adopted and the Bill was passed.

*The Right to Information Bill, 2005***: Moving the motion for consideration of the Bill on 12 May 2005, the Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Ministry of Parliamentary Affairs, Shri Suresh Pachauri said that the Bill

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* Those who participated in the discussion were: Sarvashri K. Chandran Pillai, Jairam Ramesh, P.G. Narayanan, Fali S. Nariman, Mangani Lal Mandal, R.P. Goenka, Santosh Bagrodia, Dr. T. Subbarami Reddy and Shrimati Prema Cariappa

** The Bill, as passed by Lok Sabha, was laid on the Table of the Rajya Sabha on 11 May 2005

was a significant landmark in the evolution of the right to information. It promised to make the Right to Information more progressive, participatory and meaningful bringing a new era of openness, transparency and accountability in governance. Some amendments had been carried out in the Bill as introduced in the Lok Sabha, to extend the scope of the Bill to cover the State Governments, local bodies and organizations and to incorporate some important suggestions received from different quarters including legal luminaries. Unlike the Freedom of Information Act, 2002, the present Bill was titled 'Right to Information' as the Government wanted to emphasise that the citizen of India was not only free to ask for information from the Government but also had a right to get it. The scope of the Bill extended to all the authorities and bodies under the Constitution or any other law and *inter alia* included all the authorities under the Central Government, State Governments and local bodies and also Non-Governmental Organisations substantially funded, directly or indirectly, by the public funds. Under clause 4 of the Bill, every public authority was duty bound to *suo motu* provide the public with the information as prescribed therein so that the public took minimum recourse to the use of this legislation for obtaining information. Under clause 6, the procedure of securing information was kept very simple as a citizen had to merely make a request to the concerned Public Information Officer or Assistant Public Information Officer specifying the information sought by him. In order to ensure that the information sought was provided quickly, clause 7 of the Bill made it mandatory for the Public Information Officer to provide the information within thirty days. If the information requested for was related to the life or liberty of a person, it had been made mandatory to provide it within 48 hours of the receipt of the request. In order to ensure that the Bill was actually implemented and did not remain confined to the law books, the Bill provided for penalties in case of failure to provide information in time, or, for refusing to accept application for information, or, for giving incorrect, incomplete or misleading information, or, destroying information and so on. In addition, the Information Commission had been empowered to recommend disciplinary action against the Government servant. He further said that the Bill established a two-tier mechanism for appeal. The first appeal lay with an officer within the organisation who was senior in rank to the Public Information Officer and the second appeal lay with the Information Commission. The categories of information exempted from disclosure in the Bill were kept to a bare minimum.

Intervening in the debate, the Prime Minister and the Leader of the House, Dr. Manmohan Singh said that the intention of the Bill was to enlarge the interface between the citizens and processes of governance. It laid down an architecture for accessing information, which was simple,

easy, time-bound and inexpensive. He expressed the hope that the right to information would give the public spirited people an instrument through which they would be able to prevent the misuse of public fund or patronage. Describing the Bill as historic, he felt that it would strengthen the foundations of democracy in the country. It was an important step forward in promoting a culture of transparency, accountability and to ensure that the Governments did work to promote the public good in the widest possible sense of the term.

Replying to the discussion*, the Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Ministry of Parliamentary Affairs, Shri Suresh Pachauri said that the Bill was the first and foremost step towards fulfilling the commitment of the Government made to the common people in the Common Minimum Programme. He held the apprehensions expressed by some members that civil servants would hesitate in taking bold decisions due to the penalty provision in the Bill as unfounded. He informed the House that some provisions would be implemented immediately and the remaining provisions would be implemented after 120 days of the enactment of the Bill. In case of any conflict between the Right to Information Bill, 2005 and the Official Secrets Act, 1923, the former would supersede the latter and information within the purview of the Right to Information Bill, 2005 would be provided to the public. Elaborating on the difference between the Right to Information Bill 2005, and the Freedom of Information Act, 2002, he said that apart from the difference in nomenclature, the Freedom of Information Act, 2002 did not provide for penalty provision and kept the security and intelligence agencies out of its purview. He assured the members that only competent and upright people would be appointed as members to the Information Commission. In order to make the Bill popular, clause 26 of the Bill provided for training to the Information Officer and dissemination of information about the Bill among the public through educational programmes. He concluded that each citizen was entitled to get the information as per the Constitution of India.

The motions for consideration of the Bill, clauses, etc. were adopted and the Bill was passed.

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* Others who participated in the discussion were: Sarvashri Anand Sharma, Ram Jethmalani, Shahid Siddiqui, P.G. Narayanan, C. Ramachandraiah, Ashwani Kumar, R.S. Gavai, Raashid Alvi, Manoj Bhattacharya, Rajeev Shukla, Fali S. Nariman, R. Shunmugasundaram, Jairam Ramesh, Maulana Obaidullah Khan Azmi, Dr. P.C. Alexander, Dr. Bimal Jalan, Dr. Prabha Thakur, Shrimati Sarla Maheshwari, Shrimati N.P. Durga and Shrimati Jaya Bachchan

C. QUESTION HOUR

During the Session, 13,851 notices of Questions (12,163 Starred and 1,688 Unstarred) were received. Out of these, 718 Questions were admitted as Starred and 5,568 as Unstarred. The total number of notices of Questions received in Hindi was 3,336.

Daily average of Questions: For all days, the lists of Starred Questions contained 20 Questions. On an average, 4.58 Questions were orally answered per sitting. The maximum number of Questions orally answered was nine on 15, 16 and 24 March 2005 and the minimum number of Questions orally answered was zero on 4 March 2005. The list of Unstarred Questions contained 154 Questions on 9 May 2005 and on the rest of the days, it contained 155 Questions each.

Half-an-Hour Discussion: Eight notices of Half-an-Hour Discussion were received, out of which four notices were admitted and discussed.

Short Notice Question: Two Short Notice Questions were received, but none was admitted.

D. OBITUARY REFERENCES

During the Session, obituary references were made on the passing away of Shri P.V. Narasimha Rao, former Prime Minister of India; His Holiness Pope John Paul II; Shri Vidya Nivas Misra, a sitting member; Sarvashri K.S. Ramaswamy, Alladi Aruna *alias* V. Arunachalam, Sohan Lal Dhusiya, M. Palaniyandi, Surender Singh, Vishnu Kant Shastri, Ebrahim Sulaiman Sait, Sardar Jagjit Singh Aurora, Shyam Lal Yadav, Shrimati Ila Panda and Shrimati Kanak Mukherjee, all former members; and Swami Ranganathananda, President of the Ramakrishna Math and Mission.

Besides, references were made also to the victims of the Tsunami disaster on 26 December 2004; to the victims of the stampede at Kalubai Temple, Mandradevi in Satara District of Maharashtra on 25 January 2005; to the victims of the avalanches in Jammu and Kashmir; to the victims of the powerful earthquake that hit South-east Iran on 22 February 2005; and to the victims of the massive earthquake that struck near Indonesia's Nias Island off Sumatra on 28 March 2005.

The House observed silence, all members standing, as a mark of respect to the memory of the departed and to those who lost their lives in these tragedies.

STATE LEGISLATURES

KARNATAKA LEGISLATIVE COUNCIL*

The Karnataka Legislative Council which commenced its 103rd Session on June 2005, was adjourned *sine die* on 3 August 2005. There were 24 sittings in all.

Legislative business: During the Session the House passed eleven Bills including the 10 Bills as passed by the Legislative Assembly.

Obituary references: During the Session, obituary references were made on the passing away of 15 distinguished persons from different fields.

KARNATAKA LEGISLATIVE ASSEMBLY**

The Twelfth Karnataka Legislative Assembly which commenced its Second Session on 30 June 2005, was adjourned *sine die* on 3 August 2005. There were 24 sittings in all.

Legislative business: During the Session, 11 Bills including an Appropriation Bill were passed by the House.

Obituary references: During the Session obituary references were made on the passing away of 11 persons who had rendered noteworthy service in various fields.

MANIPUR LEGISLATIVE ASSEMBLY***

The Eighth Manipur Legislative Assembly, which commenced its Eleventh Session on 23 June 2005, was adjourned *sine die* on 18 July 2005. There were 17 sittings in all.

Address by the Governor: The Governor of Manipur Dr. S.S. Sidhu addressed the House on 23 June 2005. The discussion on Motion of Thanks to the Governor for his Address was held on 23 and 24 June 2005. At the conclusion of the debate on 24 June 2005, the motion was passed unanimously by the House.

Legislative business: During the Session, the following Bills were passed by the House: (i) The Manipur Appropriation (No. 3) Bill, 2005; (ii) The Manipur Appropriation (No. 7) Bill, 2005; (iii) The Manipur

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* Material contributed by the Karnataka Legislative Council Secretariat.
** Material contributed by the Karnataka Legislative Assembly Secretariat.
*** Material contributed by the Manipur Legislative Assembly Secretariat.

Appropriation (No. 8) Bill, 2005; (iv) The Manipur Appropriation (No. 9) Bill, 2005; (v) The Manipur Fiscal Responsibility and Budget Management Bill, 2005; (vi) The Manipur Nursing Council Bill, 2005; (vii) The Manipur Municipalities (Third Amendment) Bill, 2005; (viii) The Salaries and Allowances of Members of the Legislative Assembly (Manipur) Seventeenth Amendment Bill, 2005; (ix) The Manipur Municipalities (Third Amendment) Bill, 2005; (x) The Manipur Panchayati Raj (Fourth Amendment) Bill, 2005.

Financial business: This being the Budget Session major business transacted in the House was presentation, consideration and passing of the Budget Estimates for the financial year, 2005-2006. General Discussion on the Budget Estimates, 2005-2006 was held for two days on 27 and 28 June 2005. Discussion and voting on Demands for Grants, 2005-2006 was held in ten sittings from 29 June to 13 July 2005. On 1 July 2005, the Chief Minister, Shri O. Ibobi Singh, presented the Demands for Excess Grants for the year 1999-2000, 2000-2001 and 2001-2002. General Discussion and discussion and Voting on the Demands for Excess Grants were held on 14 July 2005.

Obituary references: During the Session, obituary reference was made on the passing away of Shri Kh. Chandra a member of the Seventh Manipur Legislative Assembly.

TRIPURA LEGISLATIVE ASSEMBLY*

The Ninth Tripura Legislative Assembly, which commenced its Ninth Session on 6 May 2005, was adjourned *sine die* on 2 June 2005. The Governor of Tripura prorogued the Assembly on 24 June 2005. There were 9 sittings in all.

Legislative business: During the Session, the following Bills were passed by the House: (i) The Salaries and Allowances of Ministers (Tripura) (Seventh Amendment) Bill, 2005 (Tripura Bill No. 6 of 2005); (ii) The Salaries, Allowances and Pension of the Members of the Tripura Legislative Assembly (Tripura) (Seventh Amendment), Bill 2005 (Tripura Bill No. 4 of 2005); (iii) The Tripura Appropriation Bill, 2005 (Tripura Bill No. 3 Of 2005); (iv) The Tripura Fiscal Responsibility and Budget Management Bill, 2005 (Tripura Bill No. 5 of 2005).

Financial business: On 6 May 2005, the Minister of Finance Shri Badal Chowdhury presented before the House the Budget Estimates for the year 2005-2006. The General Discussion on the Budget Estimates for 2005-2006 was held from 10 to 12 May 2005. The discussion and

* Material contributed by the Tripura Legislative Assembly Secretariat.

voting on Demands for Grants were held from 30 May to 1 June 2005. All the Cut Motions were negatived and all the Demands for Grants in the Budget Estimates for 2005-2006 were passed by the House.

Obituary references: During the Session, obituary references were made on the passing away of Sarvashri Sunil Dutt, Union Minister of Sports and Youth Affairs; Kashi Ram Reang, former member of Tripura Legislative Assembly; Om Prakash Jindal, Minister of Power in the Haryana Vidhan Sabha; Surinder Singh, Agriculture Minister in the Haryana Vidhan Sabha; and T. S. Chawhan, pilot of the helicopter, the crash of which resulted in the death of the two Ministers.

WEST BENGAL LEGISLATIVE ASSEMBLY*

The Thirteenth West Bengal Legislative Assembly, which commenced its Eleventh Session on 27 June 2005, was adjourned *sine die* on 5 August 2005. The Governor prorogued the House on 8 August 2005. There were 29 sittings in all.

Legislative business: During the Session, 18 of the 21 Bills were introduced, considered and passed by the House. The remaining three were referred to the committees for examination and report.

Financial business: During the Session, 44 Demands for Grants were discussed and voted by the House and the remaining Demands for Grants were guillotined on 25 July 2005. The Appropriation Bill (No. 2) 2005 was introduced and passed by the House on 26 July 2005.

Obituary references: During the Session obituary references were made on the passing away of Sarvashri Sunil Dutt, Union Minister of Sports and Youth Affairs and an eminent film artist; Biplab Dasgupta, member, Rajya Sabha; Bikash Chowdhury, member Lok Sabha; Ganesh Chandra Mondal, a Minister in West Bengal Government; Vishnu Kanta Shastri, former member of Legislative Assembly and also former Governor of Uttar Pradesh, Himachal Pradesh and Punjab; Bimalananda Mukherjee and Amir Ali Molla, former Ministers, West Bengal; Gajendra Gurung, former Deputy Minister, West Bengal; Akbar Ali Khandokar, former member of the Legislative Assembly and former member of Parliament; Narayan Chandra Choudhury, member of erstwhile Legislative Council and also former member of the Legislative Assembly; Amalendu Sekhar Naskar and Byomkesh Chakravarti, members of erstwhile Legislative Council; Renupada Halder, Ahindra Sarkar and Bankim Tribedi, Rabin Mukherjee and Smt. Anjali Khan, all former members of the Legislative Assembly; Pope John Paul-II and King Fahd Bin Abdul Aziz of Saudi Arabia.

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* Material contributed by the West Bengal Legislative Assembly Secretariat.

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RECENT LITERATURE OF PARLIAMENTARY INTEREST

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APPENDIX I

STATEMENT SHOWING THE WORK TRANSACTED DURING THE FOURTH SESSION OF THE FOURTEENTH LOK SABHA

1.	PERIOD OF THE SESSION	25 February to 13 May 2005
2.	NUMBER OF SITTINGS HELD	38
3.	TOTAL NUMBER OF SITTING HOURS	212 hours, 33 minutes
4.	GOVERNMENT BILLS	
	(i) Pending at the commencement of the Session	11
	(ii) Introduced	26
	(iii) Laid on the Table as passed by Rajya Sabha	8
	(iv) Returned by the Rajya Sabha with any amendment/recommendation and laid on the Table	1
	(v) Reported by Standing Committee	9
	(vi) Referred to Departmentally-related Standing Committee by Speaker/ Chairman, Rajya Sabha	5
	(vii) Discussed	26
	(viii) Passed	26
	(ix) Pending at the end of the Session	19
5.	PRIVATE MEMBERS' BILLS	
	(i) Pending at the commencement of the Session	65
	(ii) Introduced	42
	(iii) Discussed	3
	(iv) Negatived	2
	(v) Part-discussed	1
	(vii) Pending at the end of the Session	105
6.	NUMBER OF DISCUSSIONS HELD UNDER RULE 184	
	(i) Notices received	204
	(ii) Admitted	103
7.	NUMBER OF MATTERS RAISED UNDER RULE 377	365
8.	NUMBER OF MATTERS RAISED ON URGENT PUBLIC IMPORTANCE DURING ZERO HOUR	348
9.	NUMBER OF DISCUSSIONS HELD UNDER RULE 193 (Matters of Urgent Public Importance)	
	(i) Notices received	422
	(ii) Admitted	5
	(iii) Discussions held	4

	(iv) Part-discussed	1
10.	NUMBER OF STATEMENTS MADE UNDER RULE 197 (Calling Attention of Matters of Urgent Public Importance)	13
11.	STATEMENTS MADE BY MINISTERS UNDER RULE 372	58
12.	STATUTORY RESOLUTIONS	
	(i) Notices received	60
	(ii) Admitted	6
	(iii) Moved	5
	(iv) Adopted	3
	(v) Negatived	2
13.	GOVERNMENT RESOLUTIONS	
	(i) Notices received	4
	(ii) Admitted	4
	(iii) Moved	1
	(iv) Adopted	1
14.	PRIVATE MEMBERS' RESOLUTIONS	
	(i) Received	12
	(ii) Admitted	12
	(iii) Discussed	2
	(iv) Negatived	1
	(v) Part-discussed	1
15.	NUMBER OF ADJOURNMENT MOTIONS	
	(i) Total No. of Notices received	8
	(ii) Brought before the House	1
	(iii) Admitted	Nil
	(iv) Consent withheld by Speaker, Lok Sabha outside the House	7
16.	TOTAL NUMBER OF VISITORS' PASSES ISSUED DURING THE SESSION	20,720
17.	MAXIMUM NUMBER OF VISITORS' PASSES ISSUED ON ANY SINGLE DAY AND THE DATE ON WHICH ISSUED	870 on 11.3.2005
18.	TOTAL NUMBER OF QUESTIONS ADMITTED	
	(i) Starred	700
	(ii) Starred Questions replied orally	116
	(iii) Un-starred	7,337
	(iv) Half-an-Hour discussions	2
19.	PETITIONS PRESENTED	3
20.	NUMBER OF NEW MEMBERS SWORN-IN WITH DATE	2 members sworn on 28.2.2005 1 member sworn on 21.3.2005

21. PARLIAMENTARY COMMITTEE CONSTITUTED 1

22. NUMBER OF PRIVILEGE MOTIONS

(i) Notices received 21

(ii) Brought before the House 3

(iii) Observations made by Speaker 3

23. WORKING OF PARLIAMENTARY COMMITTEES

Sl. No.	Name of the Committee	No. of sittings held during the period 1 April to 30 June 2005	No. of Reports presented
1	2	3	4
i)	Business Advisory Committee	2	2
ii)	Committee on the Welfare of Scheduled Castes and Scheduled Tribes	4	1 (Original) 4 (Action Taken)
iii)	Committee of Privileges	—	—
iv)	Committee on Absence of Members from the Sittings of the House	2	2
v)	Committee on Empowerment of Women	1	—
vi)	Committee on Estimates	7	—
vii)	Committee on Ethics	—	—
viii)	Committee on Government Assurances	2	—
ix)	Committee on Member of Parliament Local Area Development Scheme (MPLADS)	2	1
x)	Committee on Papers Laid on the Table	—	—
xi)	Committee on Petitions	—	—
xii)	Committee on Private Members' Bills and Resolutions	3	3
xiii)	Committee on Provision of Computers for Members of Parliament, Offices of Political Parties and Officers of LSS	—	—
xiv)	Committee on Public Accounts	4	2 (Original) 2 (Action Taken)
xv)	Committee on Public Undertakings	5	2 (Action Taken)
xvi)	Committee on Subordinate Legislation	—	—
xvii)	Fellowship Committee	—	—
xviii)	General Purposes Committee	—	—
xix)	House Committee	—	—
	a) Accommodation Sub-Committee	—	—
	b) Sub-Committee on Amenities	—	—
xx)	Library Committee	—	—
xxi)	Railway Convention Committee	2	1
xxii)	Rules Committee	—	—

JOINT / SELECT COMMITTEES

i)	Joint Committee on Offices of Profit	—	—
ii)	Joint Committee on Salaries and Allowances of Members of Parliament	—	—

DEPARTMENTALLY-RELATED STANDING COMMITTEES

i)	Committee on Agriculture	4	4
ii)	Committee on Chemicals and Fertilizers	4	2
iii)	Committee on Coal & Steel	4	3
iv)	Committee on Defence	10	1
v)	Committee on Energy	4	2
vi)	Committee on External Affairs	5	4
vii)	Committee on Finance	13	5
viii)	Committee on Food, Consumer Affairs and Public Distribution	7	2
ix)	Committee on Information Technology	7	—
x)	Committee on Labour	8	2
xi)	Committee on Petroleum and Natural Gas	3	1
xii)	Committee on Railways	9	3
xiii)	Committee on Rural Development	12	5
xiv)	Committee on Social Justice and Empowerment	4	2
xv)	Committee on Urban Development	6	2
xvi)	Committee on Water Resources	3	1

APPENDIX II

STATEMENT SHOWING THE WORK TRANSACTED DURING THE TWO HUNDRED AND FOURTH SESSION OF THE RAJYA SABHA

1.	PERIOD OF THE SESSION	25 February to 13 May 2005
2.	NUMBER OF SITTINGS HELD	38
3.	TOTAL NUMBER OF SITTING HOURS	173 Hours, 05 Minutes
4.	NUMBER OF DIVISIONS HELD	Nil
5.	GOVERNMENT BILLS	
	(i) Pending at the commencement of the Session	37
	(ii) Introduced	09
	(iii) Laid on the Table as passed by Lok Sabha	18
	(iv) Returned by Lok Sabha with any amendment	Nil
	(v) Referred to Select Committee by Rajya Sabha	Nil
	(vi) Referred to Joint Committee by Rajya Sabha	Nil
	(vii) Referred to the Department-related Standing Committees	07
	(viii) Reported by Select Committee	Nil
	(ix) Reported by Joint Committee	Nil
	(x) Reported by the Department-related Standing Committees	11
	(xi) Discussed	28
	(xii) Passed	26
	(xiii) Withdrawn	02
	(xiv) Negatived	Nil
	(xv) Part-discussed	Nil
	(xvi) Returned by the Rajya Sabha without any recommendation	12
	(xvii) Discussion postponed	Nil
	(xviii) Pending at the end of the Session	36
6.	PRIVATE MEMBERS' BILLS	
	(i) Pending at the commencement of the Session	136
	(ii) Introduced	31
	(iii) Laid on the Table as passed by the Lok Sabha	Nil
	(iv) Returned by the Lok Sabha with any amendment and laid on the Table	Nil
	(v) Reported by Joint Committee	Nil
	(vi) Discussed	02

	(vii) Withdrawn	01
	(viii) Passed	Nil
	(ix) Negatived	Nil
	(x) Circulated for eliciting opinion	Nil
	(xi) Part-discussed	01
	(xii) Discussion postponed	Nil
	(xiii) Motion for circulation of Bill negatived	Nil
	(xiv) Referred to Select Committee	Nil
	(xv) Lapsed due to retirement/death of Member-in-charge of the Bill	Nil
	(xvi) Pending at the end of the Session	162
7.	NUMBER OF DISCUSSIONS HELD UNDER RULE 176 (Matters of Urgent Public Importance)	
	(i) Notices received	44
	(ii) Admitted	04
	(iii) Discussions held	04
8.	NUMBER OF STATEMENT MADE UNDER RULE 180 (Calling Attention to Matters of Urgent Public Importance)	
	Statement made by Ministers	03
9.	HALF-AN-HOUR DISCUSSIONS HELD	01
10.	STATUTORY RESOLUTIONS	
	(i) Notices received	04
	(ii) Admitted	04
	(iii) Moved	04
	(iv) Adopted	Nil
	(v) Negatived	04
	(vi) Withdrawn	Nil
11.	GOVERNMENT RESOLUTIONS	
	(i) Notices received	Nil
	(ii) Admitted	Nil
	(iii) Moved	Nil
	(iv) Adopted	Nil
12.	PRIVATE MEMBERS' RESOLUTIONS	
	(i) Received	15
	(ii) Admitted	15
	(iii) Discussed	4
	(iv) Withdrawn	4
	(v) Negatived	Nil
	(vi) Adopted	Nil

(vii) Part-discussed	Nil
(viii) Discussion postponed	Nil
13. GOVERNMENT MOTIONS	
(i) Notices received	1
(ii) Admitted	1
(iii) Moved and discussed	1
(iv) Adopted	1
(v) Part-discussed	Nil
14. PRIVATE MEMBERS' MOTIONS	
(i) Received	63
(ii) Admitted	62
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Part-discussed	Nil
(vi) Negatived	Nil
(vii) Withdrawn	Nil
15. MOTIONS REGARDING MODIFICATION OF STATUTORY RULE	
(i) Received	01
(ii) Admitted	Nil
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Negatived	Nil
(vi) Withdrawn	Nil
(vii) Part-discussed	Nil
(viii) Lapsed	Nil
16. NUMBER, NAME AND DATE OF PARLIAMENTARY COMMITTEE CREATED, IF ANY	Nil
17. TOTAL NUMBER OF VISITORS' PASSES ISSUED	3,048
18. TOTAL NUMBER OF VISITORS	4,607
19. MAXIMUM NUMBER OF VISITORS' PASSES ISSUED ON ANY SINGLE DAY, AND DATE ON WHICH ISSUED	173 (on 3.3.2005)
20. MAXIMUM NUMBER OF VISITORS ON ANY SINGLE DAY AND DATE	302 (on 4.3.2005)
21. TOTAL NUMBER OF QUESTIONS ADMITTED	
(i) Starred	340
(ii) Unstarred	2,364
(iii) Short-Notice Questions	Nil

22. DISCUSSIONS ON THE WORKING OF THE MINISTRIES 06

1. Ministry of Water Resources
2. Ministries of Social Justice and Empowerment and Tribal Affairs
3. Ministry of Defence
4. Ministries of Power and Non-Conventional Energy Sources
5. Ministry of Environment and Forests
6. Ministry of Consumer Affairs, Food and Public Distribution

23. WORKING OF PARLIAMENTARY COMMITTEES

Sl. No.	Name of the Committee	No. of meetings held during the period 1 April to 30 June 2005	No. of Reports presented
1	2	3	4
(i)	Business Advisory Committee	7	Nil
(ii)	Committee on Subordinate Legislation	4	3
(iii)	Committee on Petitions	3	Nil
(iv)	Committee of Privileges	Nil	Nil
(v)	Committee on Rules	Nil	Nil
(vi)	Committee on Government Assurances	3	Nil
(vii)	Committee on Papers Laid on the Table	3	1
(viii)	General Purposes Committee	Nil	Nil
(ix)	House Committee	2	Nil
Department-Related Standing Committees:			
(x)	Commerce	4	2
(xi)	Home Affairs	5	3
(xii)	Human Resource Development	8	6
(xiii)	Industry	14	16
(xiv)	Science and Technology, Environment and Forests	4	8
(xv)	Transport, Tourism and Culture	9	5
(xvi)	Health & Family Welfare	4	3
(xvii)	Personnel, Public Grievances, Law and Justice	9	2
Other Committees			
(xviii)	Committee on Ethics	1	1
(xix)	Committee on Provision of Computers to Members of Rajya Sabha	1	Nil
(xx)	Committee on Member of Parliament Local Area Development Scheme	2	Nil
24.	NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE	5	
25.	PETITIONS PRESENTED	1	

26. NAME OF NEW MEMBERS SWORN IN WITH DATES

S.No.	Name of members sworn in	Party affiliation	Date on which sworn in
1	2	3	4
1.	Prof. P.J. Kurian	INC	18.1.2005
2.	Shri Vasant Chavan	NCP	26.4.2005
3.	Shri Digvijay Singh	JD(U)	17.6.2005

27. OBITUARY REFERENCES

S.No.	Name	Sitting member/ Ex-member
1.	Shri P.V. Narasimha Rao	Former Prime Minister of India
2.	Pope John Paul II	
3.	Shri Vidya Nivas Misra	Sitting member
4.	Shri K.S. Ramaswamy	Ex-Member
5.	Shri Aladi Aruna *alias* V. Arunachalam	-do-
6.	Shrimati Ila Panda	-do-
7.	Shri Sohan Lal Dhusiya	-do-
8.	Shri M. Palaniyandi	-do-
9.	Shrimati Kanak Mukherjee	-do-
10.	Shri Surender Singh	-do-
11.	Shri Vishnu Kant Shastri	-do-
12.	Shri Ebrahim Sulaiman Sait	-do-
13.	Sardar Jagjit Singh Aurora	-do-
14.	Shri Shyam Lal Yadav	-do-

APPENDIX III

STATEMENT SHOWING THE ACTIVITIES OF THE LEGISLATURES OF THE STATES AND UNION TERRITORIES DURING THE PERIOD 1 APRIL TO 30 JUNE 2005

Legislature	Duration	Sittings	Govt. Bills	Private Bills	Starred Questions	Unstarred Questions	Short Notice Questions
1	2	3	4	5	6	7	8
STATES							
Andhra Pradesh L.A.**	—	—	—	—	—	—	—
Arunachal Pradesh L.A.*	—	—	—	—	—	—	—
Assam L.A.*	—	—	—	—	—	—	—
Bihar L.A.*	—	—	—	—	—	—	—
Bihar L.C.*	—	—	—	—	—	—	—
Chhattisgarh L.A.*	—	—	—	—	—	—	—
Delhi L.A.*	—	—	—	—	—	—	—
Goa L.A.*	—	—	—	—	—	—	—
Gujarat L.A.*	—	—	—	—	—	—	—
Haryana L.A.	9.6.2005 to	7	8(8)	—	161(123)	6(5)	5(1)
Himachal Pradesh L.A.*	—	—	—	—	—	—	—
Jammu & Kashmir L.A.**	—	—	—	—	—	—	—
Jammu & Kashmir L.C.**	—	—	—	—	—	—	—
Jharkhand L.A.**	—	—	—	—	—	—	—
Karnataka L.A.	11.3.2005 to 1.4.2005 and 30.6.2005 to 3.8.2005	39	—	—	—	—	—
Karnataka L.C.*	—	—	—	—	—	—	—

Kerala L.A.*	—	—	—	—	—	—	—
Madhya Pradesh L.A.*	—	—	—	—	—	—	—
Maharashtra L.A.	14.3.2005 to 16.4.2005	24	13(23)	32	9,248(1,088)	13(1,473)•	31(6)
Maharashtra L.C.	14.3.2005 to 16.4.2005	24	10(26)	7	3,888(1,342)	4(465)•	—
Manipur L.A.	23.6.2005 to	6	—	—	41(41)	—	—
Meghalaya L.A.**	—	—	—	—	—	—	—
Mizoram L.A.*	—	—	—	—	—	—	—
Nagaland L.A.*	—	—	—	—	—	—	—
Orissa L.A.*	—	—	—	—	—	—	—
Punjab L.A.*	—	—	—	—	—	—	—
Rajasthan L.A.	—	—	—	—	—	—	36(34)
Sikkim L.A.**	—	—	—	—	—	—	—
Tamil Nadu L.A.**	—	—	—	—	—	—	—
Tripura L.A.	6.5.2005 to 2.6.2005	9	5(4)	—	690(463)	740(755)•	6(2)
Uttaranchal L.A.**	—	—	—	—	—	—	—
Uttar Pradesh L.A.	—	—	—	—	1173(194)	485(977)•	60(46)
Uttar Pradesh L.C.	—	—	—	—	909(834)	30(21)	—
West Bengal L.A.**	—	—	—	—	—	—	—
UNION TERRITORIES							
Pondicherry L.A.	1.4.2005 to 25.4.2005	15	2(2)	—	—	—	—

* Information received from the State/Union territory Legislature contained NIL report

APPENDIX III (Contd.)

COMMITTEES AT WORK / NUMBER OF SITTINGS HELD AND NUMBER OF REPORTS PRESENTED DURING THE PERIOD 1 APRIL TO 30 JUNE 2005

	Business Advisory Committee	Committee on Govt. Assurances	Committee on Petitions	Committee on Private Members Bills and Resolutions	Committee of Privileges	Committee on Public Undertakings	Committee on Subordinate Legislation	Committee on the Welfare of SCs and STs	Committee on Estimates	General Purposes Committee	House/Accommodation Committee	Library Committee	Public Accounts Committee	Rules Committee	Joint/Select Committee	Other Committees
	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
STATES																
Andhra Pradesh L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Arunachal Pradesh L.A.	—	—	—	—	—	—	—	—	1	—	—	—	6	—	—	—

	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Assam L.A.	—	—	2	—	—	2	1	5	—	—	1	—	2	—	—	3[a]
Bihar L.A.*	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Bihar L.C.*	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Chhattisgarh L.A.	—	—	—	—	—	1	—	1	1	—	2	1	7	—	—	—
Delhi L.A.	—	—	—	—	—	5	—	—	3	—	—	—	5	—	—	—
Goa L.A.*	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Gujarat L.A.	—	5	2	1	4	2	3	7	5	—	3	1	11	1	—	13[b]
Haryana L.A.	1(1)	8	8	—	9	15	10	11	18	—	8	12	11	—	—	—
Himachal Pradesh L.A.	—	—	—	—	4	6	4	5	6	—	—	—	6	—	—	16[c]
Jammu & Kashmir L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Jammu & Kashmir L.C.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Jharkhand L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Karnataka L.A.	1	11	8	9	11	11	11	10	13	—	10	10	12	—	—	32[d]
Karnataka L.C.	—	10	11	—	11	—	—	—	—	—	7	—	—	—	—	—
Kerala L.A.	—	—	8	9	6	—	13	9	10	—	7	—	—	—	—	36[e]
Madhya Pradesh L.A.	—	4	4	—	3	—	5	6	6	—	2	3	8	1	—	13[f]
Maharashtra L.A.	—	22	8	—	9	16	11	26	11	—	1	1	16	—	—	70[g]
Maharashtra L.C.	—	8	2	—	1	16	11	26	11	—	1	1	16(3)	—	—	70[h]
Manipur L.A.	1(1)	1	1	—	—	2	1	2	2	1	2	—	2	1	—	4[i]
Meghalaya L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mizoram L.A.	—	1	1	—	—	2	3	—	—	1	—	—	1	1	—	6[j]
Nagaland L.A.	—	—	—	—	1	1	—	—	1	—	—	1	5	—	—	—
Orissa L.A.*	—	6	4	—	—	6	9	6	7	—	—	3	11	—	—	13(7)[k]
Punjab L.A.	—	11	9	—	5	11	9	8	9	—	4	4	12	—	—	19[l]
Rajasthan L.A.	—	16	13	—	14	19	17	28	30	—	19	10	15	11	—	48[m]
Sikkim L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Tamil Nadu L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Tripura L.A.	2(2)	—	2(1)	—	—	—	—	3	—	—	—	—	3(2)	—	—	—
Uttaranchal L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Uttar Pradesh L.A.	—	18	9	—	3	6	—	4	—	—	—	1	—	1	—	1[h]
Uttar Pradesh L.C.	—	9	4	—	7	—	—	—	—	—	—	—	—	—	—	85[b]
West Bengal L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
UNION TERRITORY																
Pondicherry L.A.	—	—	—	—	—	—	—	—	18	—	—	—	20	—	—	—

* Information received from State/Union territory Legislatures contained NIL report

** Information not received from the State/Union territory Legislatures

(a) Act Implementation Committee-3

(b) Members' Pay and Allowance Rules Committee-1; Panchayati Raj Committee-3; Welfare of Socially and Educationally Backward Classes Committee-3; Committee on Papers Laid on the Table-5; and Committee on Absence of Members-1

(c) Public Administration Committee-4; Human Development Committee-4; and Rural Planning Committee-4

(d) Committee on Backward Classes and Minorities-11; Committee on Welfare of Women and Children-9; and Committee on Papers Laid on the Table-12

(e) Committee on Papers Laid on the Table-7; Committee on Environment-9; Committee on Official Language-7; Subject Committee-1; and Committee on Welfare of Women, Children and Physically Handicapped-12

(f) Committee on Welfare of Women and Children-3; Committee on Questions and Reference-6; and Committee on Papers Laid on the Table-4

(g) Committee on Welfare of Vimukta Jatis and Nomadic Tribes-14; Committee on Employment Guarantee Scheme-10; Committee on Panchayati Raj-20; Catering Committee-3; Woman Rights and Welfare Committee-11; Committee on Maharashtra Legislature Members' Salaries and Allowances-2; and Other Backward Classes Committee-10

(h) Committee on Welfare of Vimukta Jatis and Nomadic Tribes-14; Committee on Employment Guarantee Scheme-10; Committee on Panchayati Raj-20; Catering Committee-3; Woman Rights and Welfare Committee-11; Committee on Maharashtra Legislature Members' Salaries and Allowances-2; and Other Backward Classes Committee-10

(i) Committee on Welfare of Women and Children-2; and Hill Areas Committee-2

(j) Subject Committees-6

(k) Committee on Ethics-6; and Committee or Papers laid on the Table-7(7)

(l) Committee on Papers laid on the Table-7; and Committee on Questions and References-3; and Committee on Local Bodies and Panchayati Raj Institutions-9

(m) Committee on the Welfare of Women and Children-18; Question and Reference Committee-15; and Committee on Welfare of Backward Classes-15

(n) Questions and Reference Committee-1

(o) Committee on Equal Legislative Rights-5; Committee on Questions and References-4; Committee on Delays in Financial and Administrative Matters-18; Committee on Vetting/Revision of Rules-16; Committee on Parliamentary Studies-18; Committee on Complaints regarding Members' Residences-3; Enquiry Committee to check the irregularities prevalent in the Development Authorities, Housing Development Council, District Panchayats and Municipal Corporation-6; and Committee on Parliamentary and Social Harmony-15

APPENDIX IV

LIST OF BILLS PASSED BY THE HOUSES OF PARLIAMENT AND ASSENTED TO BY THE PRESIDENT DURING THE PERIOD

1 APRIL TO 30 JUNE 2005

Sl. No.	Title of the Bill	Date of assent
1	2	3
1.	The Patents (Amendment) Bill, 2005	4.4.2005
2.	The Appropriation (Railways) (No.2) Bill, 2005	7.5.2005
3.	The Appropriation (No. 2) Bill, 2005	7.5.2005
4.	The Finance Bill, 2005	13.5.2005
5.	The Government of Union Territories and the Government of National Capital Territory of Delhi (Amendment) Bill, 2005	21.5.2005
6.	The Prevention of Money-Laundering (Amendment) Bill, 2005	21.5.2005
7.	The Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Bill, 2005	6.6.2005
8.	The Right to Information Bill, 2005	15.6.2005
9.	The Navy (Amendment) Bill, 2005	23.6.2005
10.	The Coastal Aquaculture Authority Bill, 2005	23.6.2005
11.	The Code of Criminal Procedure (Amendment) Bill, 2005	23.6.2005
12.	The University of Allahabad Bill, 2005	23.6.2005
13.	The Bihar Value Added Tax Bill, 2005	23.6.2005
14.	The Special Economic Zones Bill, 2005	23.6.2005
15.	The Private Security Agencies (Regulation) Bill, 2005	23.6.2005
16.	The Credit Information Companies (Regulation) Bill, 2005	23.6.2005
17.	The Hire-Purchase (Repeal) Bill, 2005	23.6.2005

APPENDIX V

LIST OF BILLS PASSED BY THE LEGISLATURES OF THE STATES AND THE UNION TERRITORIES DURING THE PERIOD

1 APRIL TO 30 JUNE 2005

DELHI LEGISLATIVE ASSEMBLY

1. The Indian Stamps (Delhi Amendment) Bill, 2005*
2. The Delhi Value Added Tax (Amendment) Bill, 2005*
3. The Appropriation (No. 1) Bill, 2005*
4. The Appropriation (No. 2) Bill, 2005*

HARYANA LEGISLATIVE ASSEMBLY

1. The Haryana State Industrial Security Force (Repeal) Bill, 2005
2. The Haryana Public Service Commission (Additional Functions) Amendment Bill, 2005
3. The Haryana Fiscal Responsibility and Budget Management Bill, 2005
4. The Haryana Municipal (Amendment) Bill, 2005
5. The Haryana Municipal Corporation (Amendment) Bill, 2005
6. The Haryana Appropriation (No. 3) Bill, 2005
7. The Haryana Value Added Tax (Amendment) Bill, 2005
8. The Haryana Legislative Assembly (Allowances and Pension of Members) Amendment Bill, 2005

MAHARASHTRA LEGISLATIVE ASSEMBLY

1. The Maharashtra Tenancy and Agricultural Land Laws (Amendment) Bill, 2004
2. The Maharashtra Land Revenue Code (Amendment) Bill, 2004
3. The Maharashtra Management of Irrigation Systems by Farmers Bill, 2004
4. The Bombay Industrial Relations (Amendment) Bill, 2004*
5. The Payment of Wages (Maharashtra Amendment) Bill, 2004*
6. The Maharashtra Essential Services Maintenance Bill, 2005
7. The Maharashtra Value Added Tax (Amendment) Bill, 2005
8. The Mumbai Municipal Corporation (Amendment) Bill, 2005
9. The Maharashtra (Supplementary) Appropriation Bill, 2005
10. The Maharashtra Fiscal Responsibility and Budgetary Management Bill, 2005
11. The Maharashtra Appropriation (Vote on Account) Bill, 2005
12. The Maharashtra Tax Laws (Levy, Amendment and Validation) Bill, 2005
13. The Maharashtra Value Added Tax (Levy and Amendment) Bill, 2005
14. The Maharashtra Appropriation Bill, 2005
15. The Maharashtra Regional and Town Planning (Amendment) Bill, 2005
16. The Nagpur Improvement Trust, the Maharashtra Secondary and Higher Secondary Education Boards, the Maharashtra Public Libraries, the Mahatma Phule Vastu Sangrahalaya, Poona, the Maharashtra Agricultural Universities (Krishi Vidyapeeths), the Maharashtra Universities and the Maharashtra Universities of Health Sciences (Amendment) Bill, 2005

17. The Maharashtra Water Resources Regulatory Authority Bill, 2003
18. The Bombay Shops and Establishments (Amendment) Bill, 2004*
19. The Maharashtra Irrigation (Amendment) Bill, 2004
20. The City of Nagpur Corporation (Amendment) Bill, 2004*
21. The Maharashtra Universities (Amendment) Bill, 2005
22. The Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) (Amendment) Bill, 2005
23. The Bombay Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Bill, 2005

MAHARASHTRA LEGISLATIVE COUNCIL

1. The Industrial Disputes (Maharashtra Amendment) Bill, 2003
2. The Maharashtra Water Resources Regulatory Authority Bill, 2003
3. The Bombay Shops and Establishments (Amendment) Bill, 2004
4. The Nagpur City Municipal Corporation (Amendment) Bill 2004
5. The Maharashtra Universities (Amendment) Bill, 2005
6. The Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) (Amendment) Bill, 2005
7. The Bombay Village Panchayats and the Maharashtra Zilla Parishads and Panchayats Samitis (Amendment) Bill, 2005
8. The Maharashtra Medical Council (Amendment) Bill, 2005
9. The Maharashtra Land Revenue Code (Amendment) Bill, 2004
10. The Maharashtra State Council for Occupational Therapy and Physiotherapy (Amendment) Bill, 2005
11. The Maharashtra Value Added Tax (Amendment) Bill, 2005
12. The Maharashtra (Supplementary) Appropriation Bill, 2005
13. The Maharashtra Appropriation (Vote on Account) Bill, 2005
14. The Maharashtra Appropriation Bill, 2005.
15. The Maharashtra Tenancy and Agricultural Lands Laws (Amendment) Bill, 2004
16. The Land Revenue Code (Amendment) Bill, 2005
17. The Maharashtra Management of Irrigation System by Farmers Bill, 2004
18. The Bombay Industrial Relations (Amendment) Bill, 2004*
19. The Payment of Wages (Maharashtra Amendment) Bill, 2004*
20. The Maharashtra Essential Services Maintenance Bill, 2005
21. The Mumbai Municipal Corporation (Amendment) Bill, 2005
22. Maharashtra Fiscal Responsibility and Budgetary Management Bill, 2005
23. The Maharashtra Tax Laws (Levy, Amendment and Validation) Bill, 2005
24. The Maharashtra Value Added Tax (Levy and Amendment) Bill, 2005
25. The Maharashtra Regional and Town Planning (Amendment) Bill, 2005
26. The Nagpur Improvement Trust, the Maharashtra Secondary and Higher Secondary Education Boards, the Maharashtra Public Libraries, the Mahatma Phlue Vastu Sangrahalaya, Poona, the Maharashtra Agricultural Universities (Krishi Vidyapeeths), the Maharashtra Universities and the Maharashtra Universities of Health Sciences (Amendment) Bill, 2005

PONDICHERRY LEGISLATIVE ASSEMBLY

1. The Pondicherry Civil Courts (Amendment), Bill 2005
2. The Appropriation (No 2) Bill, 2005

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* Bills awaiting Assent

TRIPURA LEGISLATIVE ASSEMBLY

1. The Tripura Fiscal Responsibility and Budgets Management Bill, 2005
2. The Tripura Scheduled Caste and Scheduled Tribes (Reservation) of vacancies in Service and Posts (Second Amendment) Bill, 2005
3. The Salaries, Allowances of Ministers (Tripura) (Seventeenth Amendment) Bill, 2005
4. The Salaries, Allowances and Pension of the Members of the Legislative Assembly (Tripura) (Seventeenth Amendment) Bill, 2005
5. The Tripura Appropriation Bill, 2005

APPENDIX VI

ORDINANCES PROMULGATED BY THE UNION AND STATE GOVERNMENTS DURING THE PERIOD 1 APRIL TO 30 JUNE 2005

Sl. No.	Title of Ordinance	Date of Promulgation	Date on which laid before the House	Date of Cessation	Remarks
			UNION GOVERNMENT		
1.	The Citizenship (Amendment) Ordinance, 2005	28.5.2005	--	--	--
			HARYANA		
1.	The Haryana Public Service Commission (Additional Functions) Amendment Ordinance, 2005	16.5.2005	9.6.2005	20.06.2005	Replaced by Legislation
2.	The Haryana Value Added Tax (Amendment) Ordinance, 2005	20.5.2005	9.6.2005	20.06.2005	-do-
3.	The Haryana Legislative Assembly (Allowances and Pension of Members) Amendment Ordinance, 2005	26.5.2005	9.6.2005	20.06.2005	-do-
			HIMACHAL PRADESH		
1	The Himachal Pradesh Sports (Registration) Recognition and Regulation of Associations (Amendment) Ordinance, 2005	30.5.2005	5 8.2005	--	Replaced by Legislation

2.	The Himachal Pradesh Fiscal Recognition and Responsibility and Budget Management (Amendment) Ordinance, 2005	18.6.2005	5.8.2005	--	Replaced by Legislation
3.	The Himachal Pradesh Bus Stands Management and Development Authority (Amendment) Ordinance, 2005	30.6.2005	5.8.2005		Replaced by Legislation
			KARNATAKA		
1.	The Karnataka Value Added Tax (Amendment) Ordinance 2005	7.6.2005 10.6.2005	4.2.2005 (L.A.) 4.2.2005 (L.C)	--	--
2.	The Kaginele Development Authority Ordinance, 2005	--	--	--	--
			KERALA		
1.	The Kovalam Palace (Taking over by Resumption) Ordinance, 2005	9.5.2005	5.7.2005	--	Replaced by Legislation
2.	The Kerala Local Authorities Entertainment Tax (Amendment) Ordinance, 2005	21.5.2005	5.7.2005	--	Replaced by Legislation
3.	The Kerala Motor Transport	7.6.2005	5.7.2005	-	Replaced by

5.	The Kerala Self Financing Professional Colleges (prohibition of capitation fees and procedure for admission and fixation of fees) (Amendment) Ordinance, 2005	18.6.2005	5.7.2005	-	Replaced by Legislation
6.	The University Laws (Amendment) Amending Ordinance, 2005	18.6.2005	5.7.2005	-	Replaced by Legislation
			MAHARASHTRA		
1.	The Maharashtra Value Added Tax (Amendment) Ordinance, 2005	9.3.2005	14.3.2005	24.4.2005	Replaced by Legislation
2.	The Bombay Stamp (Amendment) Ordinance, 2005	7.5.2005	13.7.2005	13.8.2005	Replaced by Legislation
3.	The Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) (Retrospective Extension of Duration and Amendment) Ordinance, 2004	17.5.2005	13.7.2005	13.8.2005	Replaced by Legislation
4.	The Electricity (Maharashtra Amendment) Ordinance, 2005	23.6.2005	13.7.2005	13.7.2005	Replaced by Legislation
			UTTAR PRADESH		
1.	The Uttar Pradesh State Commission for Women (Amendment) Ordinance, 2005	4.5.2005	18.7.2005	--	Replaced by Legislation
2.	The Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) (Amendment) Adhyadesh, 2005	8.6.2005	18.7.2005	--	Replaced by Legislation

APPENDIX VII

A. PARTY POSITION IN LOK SABHA (AS ON 10 OCTOBER 2005)

States	Seats	INC	BJP	CPI (M)	SP	RJD	BSP	DMK	SS	BJD	CPI	NCP	JD (U)	SAD	PMK	JMM	TRS	TDP	MD MK	LJ SP	AIFB
Andhra Pradesh	42	29	—	1	—	—	—	—	—	—	1	—	—	—	—	—	5	5	—	—	—
Arunachal Pradesh	2	—	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Assam	14	9	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Bihar	40	3	5	—	—	22	—	—	—	—	—	—	6	—	—	—	—	—	—	4	—
Chhattisgarh	11	1	10	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Goa	2	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Gujarat	26	12	14	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Haryana	10	9	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Himachal Pradesh	4	3	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Jammu & Kashmir	6	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Jharkhand	14	6	1	—	—	2	—	—	—	—	1	—	—	—	—	4	—	—	—	—	—
Karnataka	28	9	16	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Kerala	20	—	—	12	—	—	—	—	—	—	2	—	—	—	—	—	—	—	—	—	—
Madhya Pradesh	29	4	25	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Maharashtra	48	12	13	—	—	—	—	—	12	—	—	9	—	—	—	—	—	—	—	—	—
Manipur	2	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Meghalaya	2	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mizoram	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Nagaland	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Orissa	21	2	7	—	—	—	—	—	—	11	—	—	—	—	—	1	—	—	—	—	—
Punjab	13	2	3	—	—	—	—	—	—	—	—	—	—	8	—	—	—	—	—	—	—
Rajasthan	25	4	21	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sikkim	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Tamil Nadu	39	10	—	2	—	—	—	16	—	—	2	—	—	—	5	—	—	—	4	—	—
Tripura	2	—	—	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Uttaranchal	5	1	3	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Uttar Pradesh	80	9	10	—	36	—	18	—	—	—	—	—	1	—	—	—	—	—	—	—	—
West Bengal	42	6	—	26	—	—	—	—	—	—	3	—	—	—	—	—	—	—	—	—	3
Nominated	2	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
UNION TERRITORIES																					
A & N Islands	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Chandigarh	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Dadra & Nagar Haveli	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daman and Diu	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
NCT of Delhi	7	6	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Lakshadweep	1	—	—	—	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—	—	—
Pondicherry	1	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—

APPENDIX VII (CONTD.)

A. PARTY POSITION IN LOK SABHA (AS ON 12 JULY 2005)

States	JD(S)	RLD	RSP	AITC	AGP	J&K NC	AIM IM	BNP	IF DP	J&K PDP	KC	MNF	ML KSC	NPF	NLP	RPI (A)	SJP (R)	SDF	IND	TOTAL	VACANCIES
Andhra Pradesh	—	—	—	—	—	—	1	—	—	—	—	—	—	—	—	—	—	—	—	42	—
Arunachal Pradesh	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	—
Assam	—	—	—	—	2	—	—	—	—	—	—	—	—	—	—	—	—	—	1	14	—
Bihar	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	40	—
Chhattisgarh	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	11	—
Goa	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	—
Gujarat	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	26	—
Haryana	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	10	—
Himachal Pradesh	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	4	—
Jammu & Kashmir	—	—	—	—	—	2	—	—	—	1	—	—	—	—	—	—	—	—	1	6	—
Jharkhand	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	14	—
Karnataka	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	28	—
Kerala	1	—	—	—	—	—	—	—	1	—	1	—	1	—	—	—	—	—	1	19	1
Madhya Pradesh	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	29	—
Maharashtra	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—	—	—	47	1
Manipur	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	2	—
Meghalaya	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	1
Mizoram	—	—	—	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—	—	1	—
Nagaland	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—	—	—	—	—	1	—
Orissa	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	21	—
Punjab	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	13	—
Rajasthan	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	25	—
Sikkim	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—	1	—
Tamil Nadu	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	39	—
Tripura	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	--
Uttaranchal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	5	—
Uttar Pradesh	—	3	—	—	—	—	—	—	—	—	—	—	—	—	1	—	1	—	1	80	—
West Bengal	—	—	3	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	42	—
Nominated	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	—
UNION TERRITORIES																					
A & N Islands	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—
Chandigarh	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—
Dadra & Nagar Haveli	—	—	—	—	—	—	—	1	—	—	—	—	—	—	—	—	—	—	—	1	—
Daman and Diu	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—
NCT of Delhi	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	7	—
Lakshadweep	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—
Pondicherry	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—
Total	3	3	3	1	2	2	1	1	1	1	1	1	1	1	1	1	1	1	5	542	3

Abbreviations used in respect of parties represented in the Lok Sabha:

AGP-Asom Gana Parishad; AIFB-All India Forward Bloc; AIMIM-All India Majlis-e-Ittehadul Muslimeen; AITC-All India Trinamool Congress; BJD-Biju Janata Dal; BJP-Bharatiya Janata Party; BNP-Bharatiya Navshakti Party; BSP-Bahujan Samaj Party; CPI(M)-Communist Party of India (Marxist); CPI-Communist Party of India; DMK-Dravida Munnetra Kazhagam; IFDP-Indian Federal Democratic Party; INC-Indian National Congress; IND-Independents; J&KPDP-Jammu & Kashmir Peoples Democratic Party; J&KNC-Jammu & Kashmir National Conference; JD(S)-Janata Dal (Secular); JD(U)-Janata Dal (United); JMM-Jharkhand Mukti Morcha; KC-Kerala Congress; LJSP-Lok Jan Shakti Party; MDMK-Marumalarchi Dravida Munnetra Kazhagam; MLKSC-Muslim League Kerala State Committee; MNF-Mizo National Front; NCP-Nationalist Congress Party; NLP-National Loktantrik Party; NPF-Nagaland Peoples Front; PMK-Pattali Makkal Katchi; RJD-Rashtriya Janata Dal; RLD-Rashtriya Lok Dal; RPI(A)-Republican Party of India(A); RSP-Revolutionary Socialist Party; SAD-Shiromani Akali Dal; SDF-Sikkim Democratic Front; SJP(R)-Samajwadi Janata Party (Rashtriya); SP-Samajwadi Party; SS-Shiv Sena; TDP-Telugu Desam Party; TRS-Telangana Rashtra Samithi.

B. PARTY POSITION IN RAJYA SABHA (AS ON 29 DECEMBER 2005)

Sl. No.	State/Union Territories	Seats	INC	BJP	CPI (M)	AIA-DMK	SP	TDP	RJD	BSP	BJD	NCP	INLD	*Others	IND	Total	Vacancies
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
STATES																	
1.	Andhra Pradesh	18	8	—	1	—	—	9	—	—	—	—	—	—	—	18	—
2.	Arunachal Pradesh	1	1	—	—	—	—	—	—	—	—	—	—	—	—	1	—
3.	Assam	7	5	1	—	—	—	—	—	—	—	—	—	—	1	7	—
4.	Bihar	16	2	3	—	—	—	—	8	—	—	—	—	2[a]	1	16	—
5.	Chhattisgarh	5	4	1	—	—	—	—	—	—	—	—	—	—	—	5	—
6.	Goa	1	1	—	—	—	—	—	—	—	—	—	—	—	—	1	—
7.	Gujarat	11	3	8	—	—	—	—	—	—	—	—	—	—	—	11	—
8.	Haryana	5	—	—	—	—	—	—	—	—	—	—	4	—	1	5	—
9.	Himachal Pradesh	3	1	2	—	—	—	—	—	—	—	—	—	—	—	3	—
10.	Jammu & Kashmir	4	2	—	—	—	—	—	—	—	—	—	—	2[b]	—	4	—
11.	Jharkhand	6	1	4	—	—	—	—	—	—	—	—	—	1[c]	—	5	—
12.	Karnataka	12	8	2	—	—	—	—	—	—	—	—	—	1[d]	1	12	—
13.	Kerala	9	4	—	2	—	—	—	—	—	—	—	—	3[e]	—	9	—
14.	Madhya Pradesh	11	5	6	—	—	—	—	—	—	—	—	—	—	—	11	—
15.	Maharashtra	19	5	3	—	—	—	—	—	—	—	4	—	5[f]	2	19	—
16.	Manipur	1	1	—	—	—	—	—	—	—	—	—	—	—	—	1	—
17.	Meghalaya	1	—	—	—	—	—	—	—	—	—	1	—	—	—	1	—
18.	Mizoram	1	—	—	—	—	—	—	—	—	—	—	—	1[g]	—	1	—
19.	Nagaland	1	—	—	—	—	—	—	—	—	—	—	—	1[h]	—	1	—
20.	Orissa	10	1	3	—	—	—	—	—	—	5	—	—	—	1	10	—
21.	Punjab	7	5	—	—	—	—	—	—	—	—	—	—	2[i]	—	7	—
22.	Rajasthan	10	6	4	—	—	—	—	—	—	—	—	—	—	—	10	—
23.	Sikkim	1	—	—	—	—	—	—	—	—	—	—	—	1[j]	—	1	—

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
24.	Tamil Nadu	18	3	—	—	12	—	—	—	—	—	—	—	3[k]	—	18	—
25.	Tripura	1	—	—	1	—	—	—	—	—	—	—	—	—	—	1	—
26.	Uttaranchal	3	2	1	—	—	—	—	—	—	—	—	—	—	—	3	—
27.	Uttar Pradesh	31	1	8	—	—	12	—	—	6	—	—	—	1[l]	3	31	—
28.	West Bengal	16	—	—	8	—	—	—	—	—	—	—	—	5[m]	2	15	1
UNION TERRITORIES																	
29.	NCT of Delhi	3	3	—	—	—	—	—	—	—	—	—	—	—	—	3	—
30.	Pondicherry	1	1	—	—	—	—	—	—	—	—	—	—	—	—	1	—
31.	Nominated	12	—	3	—	—	—	—	—	—	—	—	—	8[n]	—	11	1
	TOTAL	245	73	49	12	12	12	9	8	6	5	5	4	36	12	243	2

OTHERS

(Break-up of Parties/Groups)

(a) Samata Party-1; and Janata Dal (United)-1
(b) Jammu and Kashmir National Conference-1; and Peoples' Democratic Party-1
(c) Janata Dal (United)-1
(d) Janata Dal (Secular)-1
(e) Muslim League-2; and Revolutionary Socialist Party-1
(f) Shiv Sena-3; Republican Party of India-1; and Sadbhavana Party-1
(g) Mizo National Front-1
(h) Nagaland Peoples Front-1
(i) Shiromani Akali Dal-2
(j) Sikkim Democratic Front-1
(k) Dravida Munnetra Kazhagam-2; and Pattali Makkal Katchi-1
(l) Akhil Bharatiya Loktantrik Congress-1
(m) Revolutionary Socialist Party-2; Forward Bloc-1; and All India Trinamool Congress-2

C. PARTY POSITION IN STATE / UNION TERRITORY LEGISLATURES

State/Union territories	Seats	Cong.(I)	Janata Dal(U)	BJP	CPI(M)	CPI	Other Parties	Ind.	Total	Vacancies
1	2	3	4	5	6	7	8	9	10	11
Andhra Pradesh L.A.**	—	—	—	—	—	—	—	—	—	—
Arunachal Pradesh L.A. (30.6.2005)	60	34	—	9	—	—	4[a]	13	60	—
Assam L.A. (30.6.2005)	126	71	—	8	—	—	29[b]	18	126	—
Bihar L.A.**	—	—	—	—	—	—	—	—	—	—
Bihar L.C. (1.9.2005)	63	5	5	9	2	3	15[c]	23	62•	—
Chhattisgarh*	—	—	—	—	—	—	—	—	—	—
Delhi L.A. (1.9.2005)	70	47	—	20	—	—	2[d]	1	70	—
Goa L.A. (30.6.2005)	40	18	—	17	—	—	4[e]	1	40	—
Gujarat L.A. (1.9.2005)	182	48	2	130	—	—	—	2	182	—
Haryana L.A. (1.9.2005)	90	66	—	2	—	—	11[f]	10	89•	—
Himachal Pradesh L.A. (1.7.2005)	68	43	—	18	—	—	1[g]	6	68	—
Jammu & Kashmir L.A.**	—	—	—	—	—	—	—	—	—	—
Jammu & Kashmir L.C.**	—	—	—	—	—	—	—	—	—	—
Jharkhand L.A.**	—	—	—	—	—	—	—	—	—	—
Karnataka L.A. (1.9.2005)	225	64	5	79	1	—	62[h]	13	224•	—
Karnataka L.C. (1.9.2005)	75	45	3	10	—	—	10[i]	2	70•	4

Kerala L.A. (1.9.2005)	141	51	—	—	24	7	44[i]	3	129@	11
Madhya Pradesh L.A. (1.9.2005)	231	39	1	171	1	—	16[k]	2	230@	1
Maharashtra L.A. (1.9.2005)	289	68	—	54	3	—	144[l]	19	288	1
Maharashtra L.C. (1.9.2005)	78	21	—	12	—	—	33[m]	12	78	—
Manipur L.A. (30.6.2005)	60	33	—	4	—	5	18[n]	—	60	—
Meghalaya L.A.**	—	—	—	—	—	—	—	—	—	—
Mizoram L.A. (1.9.2005)	40	10	—	—	—	—	27[o]	1	38	2
Nagaland L.A. (1.9.2005)	60	16	2	7	—	—	31[p]	4	60	—
Orissa L.A. (1.7.2005)	147	38	—	32	1	1	67[q]	8	147	—
Punjab L.A. (1.9.2005)	117	66	—	2	—	—	40[r]	9	117	—
Rajasthan L.A. (30.6.2005)	200	55	2	121	1	—	8[s]	13	200	—
Sikkim L.A.**	—	—	—	—	—	—	—	—	—	—
Tamil Nadu L.A.**	—	—	—	—	—	—	—	—	—	—
Tripura L.A. (1.9.2005)	60	13	—	—	38	1	8[t]	—	60	—
Uttaranchal L.A.**	—	—	—	—	—	—	—	—	—	—
Uttar Pradesh L.A. (1.9.2005)	404	16	—	83	2	—	286[u]	16	403	1
Uttar Pradesh L.C. (1.9.2005)	100	4	—	25	—	—	64[v]	6	99	1
West Bengal L.A.**	—	—	—	—	—	—	—	—	—	—

UNION TERRITORY										
Pondicherry L.A. (30.6.2005)	33	18	—	1	—	1	10[w]	2	32[@]	1

* Information received from the State/Union territory Legislatures contained NIL report
** Information not received from the State/Union territory Legislatures
@ Excluding Speaker/Chairman
(a) Arunachal Congress-2; and Nationalist Congress Party-2
(b) Asom Gana Parishad-20; Nationalist Congress Party-3; Autonomous State Demand Committee-2; Samata Party-1; Samajwadi Party-1; and All India Trinamool Congress-2
(c) Rashtriya Janata Dal-14; and Samata Party-1
(d) Janata Dal (S)-1; and Nationalist Congress Party-1
(e) United Goans Democratic Party-1; Maharashtrawadi Gomantak Party-1; and Nationalist Congress Party-2
(f) Indian National Lok Dal-9; Nationalist Congress Party-1; and Bahujan Samaj Party-1
(g) Lok Jan Shakti Party-1
(h) Janata Dal (S)-58; Kannada Chalavali Vatal Paksha-1; Kannada Naadu Party-1; Republican Party of India-1; and Nominated-1
(i) Janata Dal (S)-10
(j) Muslim League-16; Kerala Congress (M)-9; Jananthipathya Samrakshana Samiti-4, Janata Dal (Secular)-3; Kerala Congress-2; Kerala Congress (B)-2; Kerala Congress (Jacob)-2; Revolutionary Socialist Party-2; Revolutionary Socialist Party (Bolshevik)-2; Communist Marxist Party Kerala-1; and Nationalist Congress Party-1
(k) Samajwadi Party-7; Bahujan Samaj Party-2; Gondwana Gantantra Party-3; Rashtriya Samanta Dal-2; Nationalist Congress Party-1; and Nominated-1
(l) Nationalist Congress Party-71; Shiv Sena-63; Jan Surajya Shakti-4; Peasants and Workers Party of India-2; Bharipa Bahujan Mahasangh-1; Republican Party of India (A)-1; Swatantra Bharat Paksha-1; and Aakhil Bharatiya Sena-1
(m) Nationalist Congress Party-19; Shiv Sena-12; Peasants and Workers Party of India-1; and Peoples' Republican Party-1
(n) Federal Party of Manipur-13; Manipur People's Party-2; Manipur State Congress Party-2; and Manipur National Congress-1
(o) Mizo National Front-23; Mizoram Peoples' Conference-2; and Zoram Nationalist Party-2
(p) Nagaland Peoples Front-31
(q) Biju Janata Dal-61; Jharkhand Mukti Morcha-4; and Orissa Gana Parishad-2
(r) Shiromani Akali Dal-40
(s) Indian National Lok Dal-4; Bahujan Samaj Party-2; Rajasthan Samajik Nyaya Manch-1; and Lok Jan Shakti Party-1
(t) Revolutionary Socialist Party-2; and Indigenous Nationalist Party of Twipra-6
(u) Samajwadi Party-195; Bahujan Samaj Party-66; Rashtriya Lok Dal-15; Uttar Pradesh Loktantrik Congress-2; Akhil Bharatiya Congress-1; Akhil Bharatiya Hindu Mahasabha-1; Unattached-5; and Nominated-1
(v) Samajwadi Party-36, Bahujan Samaj Party-12; Rashtriya Lok Dal-5; Samajwadi Janata Party (Rashtriya)-1; and Shoshik Dal-10
(w) All India Anna Dravida Munnetra Kazhagam-2; Tamil Maanila Congress-1; and Dravida Munnetra Kazhagam-7

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